

# **Environmental Protection Act**

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Text in Bulgarian: Закон за опазване на околната среда

## **Chapter One GENERAL DISPOSITIONS**

### **Section I Applicability and Scope**

#### **Article 1**

This Act shall regulate the social relations with regard to:

1. protection of the environment for the present and future generations and protection of human health;
2. conservation of biological diversity in conformity with the natural biogeographic characteristics of Bulgaria;
3. the conservation and use of environmental media;
4. the control and management of factors damaging the environment;
5. the exercise of control over the state of the environment and over the sources of pollution;
6. the prevention and limitation of pollution;
7. the establishment and management of the National Environmental Monitoring System;
8. environmental strategies, programmes and plans;
9. collection of, and access to, environmental information;
10. the economic organization of environmental protection activities;
11. the rights and the obligations of the State, the municipalities, the juristic and natural persons in respect of

environmental protection.

## Article 2

The purposes of this Act shall be achieved by means of:

1. regulation of the regimes of conservation and use of environmental media;
2. control over the status and use of environmental media and of the sources of pollution and damage;
3. establishment of permissible emission levels and of environmental quality values;
4. management of the environmental media and of environmental factors;
5. environmental impact assessment (EIA);
6. granting of permits for pollution prevention, limitation and control;
7. designation and management of areas placed under a special regime of protection;
8. development of the monitoring system for environmental media;
9. introduction of economic regulators and financial mechanisms for environmental governance;
10. regulation of the rights and obligations of the State, the municipalities, the juristic and natural persons.

## Article 3

Environmental protection shall be based on the following principles:

1. sustainable development;
2. prevention and reduction of risk to human health;
3. priority of pollution prevention over subsequent elimination of pollution damage;
4. public participation in and transparency of the decision making process regarding environmental protection;
5. public awareness regarding the state of the environment;
6. polluter pays for damage caused to the environment;
7. conservation, development and protection of ecosystems and the biological diversity inherent therein;
8. restoration and improvement of environmental quality in polluted and disturbed areas;
9. prevention of pollution and damage and of other adverse impacts on clean areas;
10. integration of environmental protection policy into the sectoral and regional economic and social development policies;
11. access to justice in environmental matters.

## Article 4

The environmental media shall comprehend: ambient air, atmosphere, water, soil, bowels of the earth, landscape, natural sites, mineral diversity, biological diversity and the components therein.

## Article 5

The factors of environmental pollution or environmental damage can be: natural and anthropogenic substances and processes; different types of waste and the locations therein; hazardous energy sources: noise, vibrations, radiation, as well as certain genetically modified organisms.

## Article 6

The environmental media and the factors affecting the said media shall be managed, conserved and controlled according to a procedure established by this Act and by the special laws regulating the environmental media and factors.

## Article 7

The requirements contained agreements and treaties to which the Republic of Bulgaria is party shall apply to transboundary pollution.

# **Section II**

## **National Environmental Protection Policy and Environmental Management Authorities**

## Article 8

(1) (Redesignated from Article 8, SG No. 42/2011) The national environmental protection policy shall be implemented by the Minister of Environment and Water.

(2) (New, SG No. 42/2011) The Minister of Environment and Water may issue an order delegating powers to the Deputy Ministers, specifying the functions thereof, and may empower officials in connection with expressions of will and steps which are part of the relevant proceeding for the issuance of administrative acts and documents.

## Article 9

The national environmental protection policy shall be integrated into sectoral policies: transport, energy, construction, agriculture, tourism, industry, education etc., and shall be implemented by the competent executive authorities.

## Article 10

(1) Within the meaning of this Act, competent authorities shall be:

1. the Minister of Environment and Water;
2. the Executive Director of the Executive Environment Agency;
3. the Regional Inspectorate of Environment and Water (RIEW) directors;
4. the Basin Directorate directors;
5. the National Park Directorate directors;
6. the municipality mayors and, in the cities subdivided into wards, the ward mayors as well;
7. the regional governors.

(2) The following shall be competent to undertake the actions and activities provided for in this Act:

1. within the territory of any municipality: the RIEW Director or the Municipality Mayor and, in the cities subdivided into wards, the Ward Mayor;
2. within the territory of any administrative region: the Regional Governor or the RIEW Director;
3. within the territory of several municipalities covered by a single RIEW: the Director of the competent Inspectorate;
4. within the territory of several municipalities covered by different RIEWs: the Minister of Environment and Water.

## Article 11

(1) (Previous Article 11, SG No. 65/2006) The Minister of Environment and Water shall perform the following functions:

1. together with the authorities referred to in Article 9 herein, develop the environmental protection policy and strategy in the Republic of Bulgaria;
2. direct the National Environmental Monitoring System through the Executive Environment Agency;
3. control the state of the environment in Bulgaria;
4. coordinate the controlling powers of other executive authorities in respect of the environment;
5. issue orders, permits, instructions and endorse methodologies;
6. jointly with the executive authorities concerned:
  - a) issue maximum permissible emission levels by type of pollutant and levels of maximum permissible concentrations of harmful substances by environmental medium and by area;
  - b) endorse EIA methods;
  - c) issue standards on efficient utilization of renewable and non- renewable natural resources;
  - d) ensure the collection and provision of information on the state of the environment;
7. perform other activities associated with environmental protection and management in conformity with the special laws;
8. prepare an Annual Report on the State of the Environment;
- 8a. (new, SG No. 52/2008) organize and coordinate the activities of the solicitation, advance evaluation and forwarding of project proposals to the European Commission within the meaning given by Regulation (EC) No. 614/2007 of the European Parliament and of the Council of 23 May 2007 concerning the Financial Instrument for the Environment (LIFE+) (OJ, L 149/1 of 9 June 2007) and exercise the rest of the powers arising from the implementation of the said Regulation;
9. (new, SG No. 65/2006, effective 1.01.2007) prepare and submit to the European Commission reports on the implementation of statutory instruments of the Acquis Communautaire in the field of Environment.

(2) (New, SG No. 65/2006) The procedure and requirements for reporting on statutory instruments implementation to the European Commission under paragraph 1, item 9 shall be regulated with an ordinance adopted by the Council of Ministers.

## Article 12

- (1) There shall be established with the Minister of Environment and Water:

1. a Supreme Environmental Expert Council;
2. advisory councils on the policy of management of environmental media.

(2) (Supplemented, SG No. 77/2005) Environmental expert councils shall be established with the Regional Inspectorates of Environment and Water and the Executive Environment Agency.

(3) The functions, the tasks and the complement of the councils referred in Paragraphs (1) and (2) shall be established by Rules issued by the Minister of Environment and Water.

#### Article 13

(1) The Executive Environment Agency with the Minister of Environment and Water shall direct the National Environmental Monitoring System.

(2) The Executive Environment Agency shall be a juristic person.

(3) The Executive Environment Agency shall be managed and represented by an Executive Director.

(4) The operation, the structure, the organization of work and the staffing of the Executive Environment Agency shall be determined by Rules of Organization adopted by the Council of Ministers.

#### Article 14

(1) Regional Inspectorates of Environment and Water, the National Park Directorates and the Basin Directorates shall ensure the conduct of the national environmental protection policy at the regional level.

(2) The bodies referred to in Paragraph (1) shall be juristic persons with the Minister of Environment and Water and shall be represented by the relevant directors or persons authorized thereby.

(3) (Repealed, SG No. 15/2013, effective 1.01.2014).

(4) (Supplemented, SG No. 77/2005) The RIEW directors, the national park directors and the basin directorate directors shall draw up warning statements and memorandums of ascertainment, shall issue prescriptions, orders on application of coercive administrative measures and penalty decrees.

(5) The number, the territorial scope of activity, the functions and the structure of the RIEWs, the powers of the directors therein, as well as the activity of the National Park Directorates and of the Basin Directorates shall be determined by Rules issued by the Minister of Environment and Water.

#### Article 15

(1) The Municipality Mayors shall perform the following functions:

1. inform the community about the state of the environment according to the requirements of this Act;
2. together with the other authorities, elaborate and control plans for elimination of the effects of accidents and burst pollution within the territory of the municipality;
3. organize waste management within the territory of the municipality;
4. oversee the construction, maintenance and proper operation of waste water treatment plants in the urbanized areas;
5. organize and oversee the cleanness, maintenance, conservation and expansion of the settlement green structures within the nucleated settlements and in the country areas, as well as the conservation of biological diversity, of the landscape and of the natural and cultural heritage therein;

6. designate and make public the persons responsible for maintenance of the cleanness of streets, sidewalks and other areas for public use within the nucleated settlements, and oversee the performance of the duties of the said persons;

7. organize the operation of eco-inspectorates, including such functioning on a pro bono basis, established by resolution of the competent Municipal Council, which are empowered to draw up written statements ascertaining administrative violations;

8. designate the officials empowered to draw up written statements ascertaining administrative violations under this Act;

9. exercise the powers vested therein under the special laws regulating the environment;

10. designate the persons in the municipal administration possessing the requisite occupational skills to carry out the activities comprehended in environmental management.

(2) The municipality mayors may delegate the performance of the functions covered under Paragraph (1) to the ward mayors and the mayoralty mayors.

## Article 16

The Regional Governors shall perform the following functions:

1. ensure the conduct of the national environmental protection policy within the territory of the administrative region;

2. coordinate the work of the executive authorities and the administrations therein within the territory of the administrative region in respect of the conduct of the national environmental protection policy;

3. coordinate the activities comprehended in the conduct of the environmental protection policy among the different municipalities within the territory of the administrative region;

4. issue penalty decrees acting on written statements drawn up according to the procedure established by Item 8 of Article 15 (1) herein.

# **Chapter Two**

## **INFORMATION RELATING TO THE ENVIRONMENT**

## Article 17

Anyone shall have the right of access to available information relating to the environment without having to prove a specific interest.

## Article 18

The information relating to the environment shall be:

1. available primary information;

2. available pre-processed information;

3. expressly processed information.

## Article 19

"Information relating to the environment" shall mean any information in written, visual, aural, electronic or other physical form regarding:

1. the state of the environmental media covered under Article 4 herein and the interaction therebetween;
2. (supplemented, SG No. 77/2005) the factors covered under Article 5 herein, as well as the activities and/or measures, including administrative measures, international agreements, policies, legislation, including reports on application of environmental legislation, plans and programmes affecting or capable of affecting the environmental media;
3. the state of human health and safety, inasmuch as they are or may be affected by the state of the environmental media or, through the said media, by the factors, activities or measures referred to in Item 2;
4. cultural and historical heritage sites, buildings and installations, inasmuch as they are or may be affected by the state of the environmental media or, through the said media, by the factors, activities or measures referred to in Item 2;
5. costs-benefit analysis and other economic analyses and assumptions used within the framework of the measures and activities referred to in Item 2;
6. emissions, discharges and other harmful impacts on the environment.

## Article 20

(1) Access to information relating to the environment may be denied where the request is for:

1. classified information constituting a state secret or an official secret;
2. information constituting an industrial or commercial secret, designated as such by law;
3. intellectual property;
4. information constituting personal data, where the natural person concerned has not consented to the disclosure of the said information, and according to the requirements provided for in the Personal Data Protection Act;
5. information which would adversely affect the interests of a third party which has supplied the information requested without that party being under or capable of being under a legal obligation to do so, and where that party does not consent to the release of the material;
6. information that will adversely affect the environmental media.

(2) Information relating to the environment shall be provided within fourteen days after the date on which the applicant was notified about the decision of the competent authority to provide access to the information requested.

(3) The persons who or which report information relating to the environment to the competent authorities shall be obliged to mark the information subject to any of the restrictions on provision covered under Paragraph (1).

(4) Upon making a decision to refuse provision of any information covered under Paragraph (1), the competent authority shall take into account the public interest served by disclosure of any such information.

(5) In the cases of restricted access, the available information relating to the environment shall be provided in the part therein as can possibly be separated out from the information covered under Paragraph (1).

(6) The restriction of the right of access to information shall not apply to any information relating to emissions of harmful substances into the environment expressed as limit values established by legislative acts.

## Article 21

(1) Competent authorities under this Chapter shall be the central and local executive authorities that collect and hold information relating to the environment.

(2) (Amended, SG No. 15/2013, effective 1.01.2014) Competent authorities within the meaning given by Paragraph (1) shall furthermore be the other bodies and organizations that form part of the consolidated fiscal programme and that collect and hold information relating to the environment, with the exception of the legislative and judicial authorities.

(3) (New, SG No. 77/2005) Any natural or legal person, who or which provides public services relating to the environment and who or which carries out this activity under the control of the authorities and organizations covered under Paragraphs (1) and (2), shall likewise be obligated to provide information relating to the environment according to the procedure established by this Chapter.

## Article 22

(1) (Amended, SG No. 77/2005, SG No. 103/2009) The Minister of Environment and Water shall lay before the Council of Ministers annually a report on the state of the environment which, after its adoption, shall be posted on the Internet site of the Ministry of Environment and Water and of the Environment Executive Agency as a National Report on the State and Protection of the Environment.

(2) (Amended, SG No. 103/2009) The Report referred to in Paragraph (1) shall be laid before to the Council of Ministers within three months after the National Statistical Institute provides the requisite information and data.

(3) (New, SG No. 77/2005) Annually, not later than the 30th day of April, each Regional Inspectorate of Environment and Water shall prepare a regional report on the state of the environment within the territory covered by the said inspectorate during the last preceding year. The content and scope of the regional report shall be determined by directions of the Minister of Environment and Water.

## Article 22a

(New, SG No. 52/2008, amended, SG No. 105/2008, supplemented, SG No. 46/2010, effective 18.06.2010, amended, SG No. 42/2011)

(1) The operators carrying out activities listed in Annex I to Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC, hereinafter referred to as "Regulation (EC) No 166/2006", shall report data on pollutant release and transfer in the register referred to in Item 2 of Article 22b herein, published on the Internet site of the Executive Environment Agency.

(2) The data referred to in Paragraph (1) shall be reported in electronic format set out in Annex III to Regulation (EC) No 166/2006 not later than the 31st day of March of the relevant year next succeeding the reporting year.

(3) The Regional Inspectorates of Environment and Water shall verify the truthfulness of the data reported by the operators and shall confirm the said data in the register referred to in Item 2 of Article 22b herein not later than the 31st day of May of the relevant year next succeeding the reporting year.

(4) The Minister of Environment and Water shall give directions for the conduct of the verification under Paragraph (3).

## Article 22b

(New, SG No. 52/2008)

The Executive Director of the Executive Environment Agency shall:

1. (amended, SG No. 42/2011) summarize the data referred to in Article 22a (3) herein;

2. maintain a public pollutant release and transfer register at the national level and ensure access to the said register through the Internet site of the Executive Environment Agency.

## Article 22c



(New, SG No. 52/2008)

The Minister of Environment and Water shall be a competent authority for the purposes of reporting the information under Regulation (EC) No 166/2006.

#### Article 23

(1) (Amended, SG No. 102/2006, SG No. 93/2009, effective 25.12.2009) In the event of accidental or other pollution, where the limit values for pollutants discharge in the environment as established by a statutory instrument or an individual administrative act are exceeded, the polluters, as well as the persons responsible for observance of the limit values shall be obligated to notify immediately the competent regional governors, mayors of the municipalities concerned, the relevant RIEWs, the basin directorates, and the authorities of the Ministry of Interior and, in case of change of the radiation level, the Nuclear Regulatory Agency as well.

(2) The competent authorities covered under Paragraph (1) shall be obliged to notify immediately the Ministry of Health and the affected community about the occurrence of pollution in excess of the emission limit values, suggesting measures for protection of human health and of property.

#### Article 24

On an annual basis, each head of an administrative structure in the system of the executive branch of government shall publish data for the arrays and resources of processed environmental information referred to in Item 2 of Article 18 herein.

#### Article 25

(1) The Minister of Environment and Water shall issue an order determining the description of the information arrays and resources referred to in Item 3 of Article 15 (1) of the Access to Public Information Act, where the said arrays and resources contain any information covered under Article 19 herein.

(2) The order referred to in Paragraph (1) shall be promulgated in the State Gazette.

(3) The description of the information arrays referred to in Paragraph (1) and in Article 24 herein shall be published on the Internet site of the Ministry of Environment and Water.

#### Article 25a

(New, SG No. 77/2005)

(1) The competent authorities and persons covered under Article 21 herein shall develop an Internet site and shall maintain therethrough an environmental information data base, which shall be accessible to the general public at no charge.

(2) The data base referred to in Paragraph (1) shall contain, as a minimum, the following information:

1. texts of international treaties, conventions or agreements and legislation relating to the environment;
2. strategies, plans and programmes relating to the environment;
3. reports on the progress or application of the instruments and documents covered under Items 1 and 2, should any such reports have been prepared or maintained in an electronic form;
4. the National Report and the regional reports on the state of the environment, as well as other reports on the state of the environment provided for in the law or in a statutory instrument of secondary legislation;
5. data or consolidated data derived from the monitoring of activities which have or are likely to have an environmental impact

6. public registers according to the procedure established by this Act or by other special environmental laws.

(3) The information covered under Paragraph (2) shall be updated periodically.

#### Article 26

(1) The procedure established by Chapter Three of the Access to Public Information Act ("Procedure for Granting Access to Public Information") shall apply to the provision of access to information relating to the environment.

(2) Any decision to grant access to information under Article 34 (1) of the Access to Public Information Act shall specify whether expressly processed information or another type of information is provided.

#### Article 27

(Amended, SG No. 30/2006)

Any refusal to provide information as a party shall need to prepare the case for the defence therein in any proceeding provided for in this Act or in another law shall be appealable according to the procedure established by the Administrative Procedure Code.

#### Article 28

A charge for supplying any information referred to in Items 1 and 2 of Article 18 herein shall be made under the terms and according to the procedure established by Articles 20 to 22 of the Access to Public Information Act.

#### Article 29

The charge made for provision of expressly processed information shall be negotiated in each particular case.

#### Article 30

(1) (Supplemented, SG No. 77/2005, previous Article 30 and supplemented, SG No. 65/2006) The competent authorities shall provide, at no charge, available primary and pre-processed information relating to the environment, to one another as well as to the municipalities where the recipients need any such information to make decisions within the competence thereof, and for preparation of the reports referred to in Article 22, and Article 11, paragraph 1, item 9 herein.

(2) (New, SG No. 65/2006) Natural and legal persons shall provide the competent executive authorities with the information necessary to prepare and submit reports to the European Commission in compliance with a procedure stipulated in the ordinance under article 11, paragraph 2 unless a different procedure is stipulated in another statutory instrument.

#### Article 31

In the broadcasts therein, the national public-service radio and television operators shall:

1. disseminate information relating to environmental protection and management;
2. ensure protection of the right to information on the state of the environment;

3. popularize knowledge and scientific and technological advances in the field of environmental protection by means of transmission of Bulgarian and foreign educational programmes.

## **Chapter Three**

# **CONSERVATION AND USE OF ENVIRONMENTAL MEDIA AND WASTE MANAGEMENT**

## **Section I**

### **General Conditions**

#### Article 32

Not-for-profit use of environmental media to meet own requirements shall be gratuitous save in the cases specified in this Act and in the special laws regulating the environment.

#### Article 33

For-profit use of natural resources as regulated by law shall be onerous.

#### Article 34

Any persons carrying on activities referred to in Articles 32 and 33 herein shall be obliged to protect and rehabilitate the environment.

## **Section II**

### **Conservation and Use of Water and Water Bodies**

#### Article 35

(1) The conservation and use of water and water bodies shall be based on a long-term national policy.

(2) The long-term policy of conservation and use of water and water bodies shall be based on efficient water management at both national and basin level with the main purpose of achieving a good state of all ground and surface waters, and of ensuring the quantity and quality of water necessary for:

1. the needs of drinking and household water supply of the present and future generations;
2. a favourable conservation status and development of ecosystems and wetlands;
3. economic and social activities.

#### Article 36

(1) (Amended, SG No. 65/2006) The use of water and water bodies shall comprehend water intake and use of water bodies.

(2) The use of water and water bodies shall be carried out:

1. without permit;
2. by permit;
3. by the award of a concession.

(3) Where the right to use water and water bodies is granted under various regimes to the same holder, the stricter regime shall apply.

(4) (Amended, SG No. 65/2006) Both water intake and use of water bodies shall mandatorily require ensuring the minimum allowable runoff in rivers.

#### Article 37

The conservation of water and water bodies shall ensure:

1. the balance between abstraction and natural recharge of water;
2. preservation and improvement of the quality of both surface and ground waters.

Article 38

(Amended, SG No. 77/2005)

The conservation and use of water and water bodies shall follow the terms and the procedure established by this Act and by special laws.

### **Section III**

## **Soil Protection, Sustainable Use and Restoration**

### **(Title amended, SG No. 89/2007)**

Article 39

(Amended, SG No. 77/2005)

(1) Soil conservation, sustainable use and recovery shall guarantee effective protection of human health and of the soil functions, considering that soil is a scarce, irreplaceable and practically irrecoverable natural resource.

(2) Soil conservation, sustainable use and recovery shall target:

1. (amended, SG No. 89/2007) prevention of soil degradation;
2. sustained preservation of the multi-functional capacity of soil;
3. ensuring effective protection of human health;
4. preservation of soil qualities as an environment for normal development of soil organisms, plants and animals;
5. exercise of preventive control for prevention of adverse modifications of soil and application of good land-use practices;
6. (amended, SG No. 89/2007) elimination and/or mitigation of harmful modifications of soil quality caused by soil-degrading processes, according to the requirements of the types of land use.

Article 40

(Amended, SG No. 77/2005)

Any legal and natural persons, who or which own and/or use land properties, shall be obligated not to cause any harmful soil modifications in their own and in the neighbouring land properties.

Article 40a

(New, SG No. 77/2005)

The limit values for the permissible content of harmful substances in the soil shall be determined by an ordinance of the Minister of Environment and Water, the Minister of Health and the Minister of Agriculture and Food.

#### Article 41

The owners and users of land properties shall be obliged to take measures for the prevention of any harmful modification endangering the soil.

#### Article 42

(1) (Amended, SG No. 77/2005, SG No. 52/2008) Any person, who or which causes any harmful soil modification, shall be obliged to restore, at their own expense, the soil to the state preceding the damage.

(2) The owners and users of underground and overhead physical infrastructure networks and installations shall be obliged to maintain the said networks and facilities in serviceable condition and not to suffer contamination or other harmful modification of the surrounding soil.

#### Article 43

(1) The humus layer of the soil shall be placed under special protection.

(2) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) Prior to commencement of construction or prospecting, exploration and extraction of subsoil resources, the humus layer of the soil shall be removed, deposited and utilized as intended under terms and according to a procedure established by an ordinance issued by the Minister of Agriculture and Food, the Minister of Environment and Water, and the Minister of Regional Development and Public Works.

(3) The activities covered under Paragraph (2) shall be carried out without contamination of or damage to the soil in the neighbouring land properties.

(4) After finishing the activities covered under Paragraph (2), the project initiator shall be obliged to reclaim the disturbed ground.

#### Article 44

The owners and operators of waste landfills, including tailings ponds, slime ponds etc., as well as of installations for storage of waste and/or dangerous chemical substances, preparations and products, shall organize and operate the said installations in a manner precluding contamination of, and damage to, the soil and other environmental media.

#### Article 44a

(New, SG No. 77/2005)

The inventorying and study of areas with contaminated soil, the required rehabilitation measures, as well as the maintenance of the rehabilitation action taken, shall be implemented according to an ordinance adopted by the Council of Ministers.

#### Article 44b

(New, SG No. 77/2005)

The conservation, sustainable use and recovery of soil functions shall follow the terms and the procedure established by this Act and by a special law.

## **Section IV**

### **Conservation and Use of the Bowels of the Earth**

#### Article 45

Conservation of the bowels of the Earth shall be an essential obligation of all who carry out activities comprehending the prospecting and use of the said environmental medium.

#### Article 46

Conservation of the bowels of the Earth shall be ensured by means of:

1. protection and efficient utilization of subsoil resources and of ground water;
2. environmentally sound waste management and waste recovery;
3. (repealed, SG No. 77/2005);
4. restoration and/or reclamation of grounds disturbed upon exploration and exploitation;
5. effective protection against natural disasters, accidents and other destructive processes caused by human activity.

#### Article 47

The bowels of the Earth shall be used for:

1. prospecting, exploration and extraction of subsoil resources;
2. exploration and extraction of ground water and geothermal energy;
3. industrial engineering and public works, construction of sites related to national defence; storage of waste; economic, tourist activities, scientific research and other activities.

#### Article 48

(Amended, SG No. 77/2005)

Conservation and use of the bowels of the Earth upon prospecting, exploration and extraction of subsurface resources shall follow a procedure established by this Act and by the Subsurface Resources Act.

#### Article 49

Conservation of the bowels of the Earth upon the exploration and use of ground water shall follow the procedure established by the Water Act.

#### Article 50

(Amended, SG No. 77/2005)

Conservation of the bowels of the Earth upon use thereof for other purposes shall follow the terms and the procedure established by this Act and by special laws.

## **Section V**

### **Conservation and Use of Biological Diversity**

#### Article 51

(1) The species, the natural habitats of species with the biological diversity inherent therein shall be subject to conservation and protection.

(2) Conservation of the diversity of natural habitats and of species of wild flora and fauna shall follow the terms and a

procedure established by a special law.

(3) (New, SG No. 77/2005) The natural landscape shall be conserved and used in a manner and by means precluding a harmful impact, irreversible modifications and/or damage of the elements thereof.

#### Article 52

Wild plant and animal species shall be used in a manner and by means guaranteeing the sustainable development of the populations therein in the natural surroundings therein.

#### Article 53

(1) Long-term and annual plans and programmes shall be elaborated for conservation and use of forests, game, fish, herbs, mushrooms and other renewable wildlife resources.

(2) The plans and programmes referred to in Paragraph (1) shall be prepared under terms and according to a procedure established by the relevant special laws.

#### Article 54

Fees shall be charged for use of forests, game, fish, herbs, mushrooms and other renewable biological resources from of state owned and municipal-owned land tracts and aquatic areas according to the relevant special laws.

## **Section VI Ambient Air Quality Protection**

#### Article 55

Ambient air quality protection shall ensure:

1. protection of human health, of living organisms, of natural and cultural assets against harmful impacts and prevention of the occurrence of risks and damage to society from modified atmospheric air quality, ozone layer depletion and climate change resulting from various human activities;

2. preservation of ambient air quality in areas where it is not degraded, and improvement of the said quality in the remaining areas.

#### Article 56

Ambient air quality protection shall be based on the principles of sustainable development and shall be pursued under the terms and according to the procedure established by Chapter Seven herein and by the Clean Ambient Air Act.

#### Article 56a

(New, SG No. 52/2008)

(1) Any persons owning motor vehicles which, through the design or operation thereof or the fuel used, cause ambient air pollution, ozone layer depletion and climate change, shall pay, upon first registration, a lump-sum eco-fee to an amount and according to a procedure established by an act of the Council of Ministers.

(2) The eco-fee referred to in Paragraph (1) shall be credited to the Enterprise for Management of Environmental Protection Activities.

## **Section VII Waste Management**

## Article 57

Waste management shall be implemented for the purpose of prevention, mitigation or limitation of the harmful impact of waste on human health and on the environment and shall be ensured by means of:

1. prevention or mitigation of the generation of waste and the degree of the hazard therein and, particularly, by means of:
  - a) development and implementation of technologies ensuring efficient utilization of natural resources;
  - b) technical development and placing on the market of products designed in such a manner so as the manufacture, use and safe disposal therein have no, or have the least possible, contribution to an increase of the quantity or hazard of waste and the risks of pollution therewith;
  - c) development of appropriate techniques for final safe disposal of dangerous substances contained in waste designed for recovery, recycling or treatment;
2. waste recovery by means of recycling, reuse or regeneration or by another processes of retrieval of recyclable resources or of use of waste as an energy source;
3. safe storage of waste irrecoverable at the present stage of development.

## Article 58

The persons wherein the activities involve generation and/or treatment of waste shall be obliged to ensure the recycling and safe disposal of the said waste in a manner that does not present a hazard to human health and to employ methods and modern technologies which:

1. do not lead to damage or risk to the environmental media;
2. do not cause additional environmental load associated to noise, vibrations and odour.

## Article 59

Waste management shall follow the terms and the procedure established by this Act and by the Waste Management Act.

# **Section VIII** **(New, SG No. 70/2004)** **Protection of the Environment from Pollution by Asbestos and Mercury** **(Title amended, SG No. 46/2010, effective 18.06.2010)**

## Article 59a

(New, SG No. 70/2004)

(1) The Minister of Environment and Water, in consultation with the Minister of Health, shall issue regulations to establish:

1. the requirements and measures to prevent and reduce the asbestos pollution of air and water;
2. the methods and procedures for defining asbestos in dust emissions;
3. the methods and procedures for defining the concentration of undissolved substances in asbestos-containing waste



waters;

4. the ceases, where exceptions to the requirements and measures under subpara 1 may be allowed.

(2) The Minister of Environment and Water may authorise the use of methods and procedures other than those under para 1 provided that they yield equivalent data and results.

#### Article 59b

(New, SG No. 46/2010, effective 18.06.2010)

The Minister of Environment and Water shall be a competent authority on the part of the Republic of Bulgaria, responsible for the application of Regulation (EC) No 1102/2008 of the European Parliament and of the Council of 22 October 2008 on the banning of exports of metallic mercury and certain mercury compounds and mixtures and the safe storage of metallic mercury (OJ, L 304/75 of 14 November 2008), hereinafter referred to as "Regulation (EC) No 1102/2008".

#### Article 59c

(New, SG No. 46/2010, effective 18.06.2010)

The information referred to in Article 5, paragraph 3 of Regulation (EC) No 1102/2008 shall be submitted to the Minister of Environment and Water as well within the established time limit.

#### Article 59d

(New, SG No. 46/2010, effective 18.06.2010)

The persons who carry out activities covered under Article 2 of Regulation (EC) No 1102/2008 shall submit the information covered under Article 6, paragraph 1 or 2 of Regulation (EC) No 1102/2008 to the Minister of Environment and Water as well, according to the time limits established in Article 6, paragraph 3 of Regulation (EC) No 1102/2008.

## **Chapter Four**

# **ECONOMIC ORGANIZATION OF ENVIRONMENTAL PROTECTION ACTIVITIES**

#### Article 60

(Effective 1.01.2003 - SG No. 91/2002)

(1) There shall be established an Enterprise for Management of Environmental Protection Activities, hereinafter referred to as "the Enterprise", to enjoy the status of a state-owned enterprise within the meaning of Article 62 (3) of the Commerce Act.

(2) The Enterprise shall be a juristic person with a registered office in Sofia.

(3) The Enterprise shall not be a commercial corporation and shall not form and distribute any profit.

#### Article 61

(Effective 1.01.2003 - SG No. 91/2002)

(1) The core activity of the Enterprise shall be the implementation of environmental projects and activities in pursuance of environmental strategies and programmes at national and municipal level.

(2) The Enterprise shall carry out other activities as well to ensure or complement the core activity.

(3) For implementation of the activity of the Enterprise, assets constituting public and private state property may be allocated for use and management by a decision of the Council of Ministers.

(4) The Enterprise shall have no right to conclude loan contracts with commercial banks or other financial institutions, unless the Council of Ministers has made an express decision to this effect.

(5) The activities of the Enterprise in fulfilment of the tasks associated with the core activity shall be financed through:

1. charges provided for in the special laws regulating the environment;
2. action resources allocated from the national budget for environmental programmes, where the competent authorities have made a decision to this effect;
3. donations by resident and non-resident natural and juristic persons;
4. income accruing from interest on deposits;
5. (supplemented, SG No. 77/2005, SG No. 89/2007, SG No. 32/2012, effective 24.04.2012) fines or pecuniary penalties for administrative violations under this Act, the Water Act, the Soils Act, the Waste Management Act, the Medicinal Plants Act , the Protected Areas Act , the Clean Ambient Air Act , the Subsurface Resources Act , the Biological Diversity Act , The Protection from Environmental Noise Act and the Protection Against the Harmful Impact of Chemical Substances and Preparations Act , imposed by the Minister of Environment and Water or by officials empowered thereby;
6. income accruing from portfolio investments of short-term government securities and bonds;
7. income accruing from environmental protection services and activities;
8. other proceeds determined by a legislative act.

(6) The organization and the operation of the Enterprise shall be regulated by Rules adopted by the Council of Ministers.

## Article 62

(Effective 1.01.2003 - SG No. 91/2002)

(1) (Amended and supplemented, SG No. 103/2009) Annually, on or before the 28th of February, the Enterprise shall submit to the Ministry of Environment and Water a plan for the activities thereof during the current calendar year and an annual report on the activities during the preceding calendar year.

(2) The plan referred to in Paragraph (1) shall include the activities covered under Article 61 herein and, at a minimum, shall contain the following elements:

1. objectives and expected results;
2. activities to be conducted for achievement of the results, including an investment plan of the Enterprise;
3. plan for management of the resources referred to in Article 61 (5) herein, elaborated on the basis of expected operating expenses and income of the Enterprise.

(3) (Repealed, SG No. 103/2009).

(4) (Amended, SG No. 52/2008, SG No. 103/2009) The Minister of Environment and Water shall approve the plan for the activities of the Enterprise and the annual report referred to in Paragraph (1), which shall be open to public

inspection.

(5) The resources for the administrative costs of the Enterprise shall be approved by the Minister of Environment and Water simultaneously with the plan referred to in Paragraph (1).

(6) (New, SG No. 105/2005) The Enterprise shall keep accounts on cash and accrual basis according to the procedure provided for public-financed enterprises.

(7) (New, SG No. 105/2005, amended, SG No. 105/2006) The reporting data concerning the assets, liabilities, income and expenditures of the Enterprise shall be consolidated according to the procedure established in Article 33 (6) of the Accountancy Act.

(8) (New, SG No. 105/2005) The cash of the Enterprise, including the amounts for VAT, shall be collected, kept in, expended from and accounted for under a separate bank accruals account with the Bulgarian National Bank in compliance with a procedure determined by the Minister of Finance and the Governor of the Bulgarian National Bank.

(9) (New, SG No. 32/2012, effective 24.04.2012) The procedure for interaction and exchange of information between the Enterprise and the authorities which are administrators of income accruing to the Enterprise, in respect of the collection, recovery and control of the said income, shall be regulated by an instruction of the Minister of Environment and Water.

## Article 63

(Effective 1.01.2003 - SG No. 91/2002)

(1) The Enterprise shall be managed by a Management Board.

(2) The Enterprise shall be represented by an Executive Director.

(3) The Management Board shall consist of seven members, including a Chairperson.

(4) The following shall be the members of the Management Board:

1. Chairperson: the Minister of Environment and Water;

2. a representative of the Ministry of Environment and Water;

3. the Executive Director of the Executive Environment Agency;

4. a representative of the Ministry of Finance;

5. a representative of the National Association of Municipalities in the Republic of Bulgaria;

6. a representative of the business community, nominated by the not-for-profit legal entities designated for pursuit of public benefit activities whereof the charter or deed of incorporation includes activities associated with environmental protection.

7. the Executive Director referred to in Paragraph (2).

(5) The members of the Management Board and the Executive Director shall be appointed by the Minister of Environment and Water.

## Article 64

(Effective 1.01.2003 - SG No. 91/2002)

(1) (Corrected, SG No. 98/2002, repealed, SG No. 38/2012, effective 1.07.2012).

(2) (Repealed, SG No. 38/2012, effective 1.07.2012).

(3) (New, SG No. 52/2008) The decisions of the Management Board on allocation of financial resources under projects shall be open to public inspection and shall be posted on the Internet site of the Ministry of Environment and Water within fourteen days after the adoption of the said decisions.

#### Article 65

(1) Eighty per cent of the proceeds from sanctions imposed for environmental pollution or damage exceeding the permissible levels, referred to in Article 69 herein, shall be credited in revenue to the budget of the municipality where the penalized establishment is located.

(2) The proceeds from any fines and pecuniary penalties imposed under this Act by the municipality mayors shall be credited in revenue to the budget of the respective municipality.

(3) The proceeds referred to in Paragraphs (1) and (2), as well as the proceeds from fines imposed for violation of the regulations adopted by the Municipal Councils in connection with environmental protection, shall be expended on environmental projects and activities according to priorities specified in the municipal environmental programmes.

#### Article 66

(1) (Amended, SG No. 46/2010, effective 18.06.2010) The National Trust Eco Fund (NTEF) shall be a legal person with registered office in Sofia for management of financial resources accruing from "debt-for-environment" and "debt-for-nature" swaps, from international trading of assigned amount units (AAUs) of greenhouse gases, from sale of allowances for greenhouse gas emissions from aviation activities, as well as such resources provided by governments, international financial institutions and other donors for environmental protection in the Republic of Bulgaria.

(2) The National Trust EcoFund shall have the following bodies:

1. Management Board;
2. Advisory Council;
3. Executive Bureau.

(3) The Management Board shall consist of seven members, including a Chairperson, two Deputy Chairperson and four members.

(4) (Supplemented, SG No. 46/2010, effective 18.06.2010) The Advisory Council shall consist of representatives of the governments and financial and other institutions which have provided financial resources or which render assistance to the National Trust EcoFund, as well as of representatives of the AAUs buyer countries.

(5) The Management Board and the Advisory Council shall adopt their own Rules of Procedure.

(6) The Executive Bureau shall organize the operation of the National Trust Eco Fund.

#### Article 67

The manner of management, the organization and the operation of the National Trust EcoFund, as well as the procedure and manner for the raising, expending and controlling of the resources in the National Trust EcoFund shall be determined by a regulation of the Council of Ministers after a consultation procedure with the donors.

#### Article 68

(1) The revenue of the National Trust EcoFund shall be sourced in:

1. action resources allocated by the national budget, including resources in connection with "debt-for-environment" and "debt for-nature" swap agreements;
2. grants from international financial institutions, governments, international funds and non-resident juristic persons, provided for environmental programmes and projects;
3. donations from international foundations and foreign citizens to assist the national environmental policy;
- 3a. (new, SG No. 46/2010, effective 18.06.2010, amended, SG No. 22/2014, effective 11.03.2014) proceeds from sales of AAUs;
4. principal repayments and interest payment on loans extended through the Fund;
5. interest on resources of the National Trust EcoFund deposited with the servicing bank;
6. income accruing from portfolio investments of short-term government securities and bonds;
7. other external revenues consistent with the nature of the activities of the National Trust EcoFund.

(2) (Supplemented, SG No. 52/2008, amended, SG No. 46/2010, effective 18.06.2010) The resources accruing to the National Trust EcoFund shall be expended on environmental projects and activities in accordance with the terms set by the donors and with the priorities of the national environmental strategies and programmes, as well as with the objectives and priorities of the National Green Investment Scheme. The decisions on allocation of financial resources under projects shall be open to public inspection and shall be posted on the Internet site of the National Trust EcoFund.

#### Article 69

(Amended, SG No. 77/2005)

(1) (Amended, SG No. 103/2009) In the event of environmental damage or pollution in excess of the permissible levels and/or in case of non-compliance with the established emission values and restrictions, sanctions shall be imposed on the offending sole traders and legal persons.

(2) The sanctions referred to in Paragraph (1) shall be imposed by a penalty decree issued by The Minister of Environment and Water or by officials empowered thereby.

(3) A penalty decree, referred to in Paragraph (2), shall determine the type and amount of the sanction.

(4) Any penalty decree referred to in Paragraph (2) shall be appealable according to the procedure established by the Administrative Violations and Sanctions Act.

(5) (Supplemented, SG No. 103/2009) The sanctions referred to in Paragraph (1) shall be lump-sum or continuous fines. The amount of continuous sanctions shall be fixed or incremental.

(6) The amount of a sanction referred to in Paragraph (1) shall be fixed according to the procedure established by the ordinance referred to in Paragraph (8).

(7) A sanction referred to in Paragraph (1) shall be imposed as from the date of conduct of inspection by the control authorities of the Ministry of Environment and Water.

(8) (Amended, SG No. 103/2009) The type, amount and procedure for imposition of sanctions for environmental damage or pollution in excess of the permissible levels and/or in case of non-compliance with the established emission values and restrictions shall be established by an ordinance of the Council of Ministers.

#### Article 69a

(New, SG No. 77/2005)

(1) In the cases referred to in Article 69 (1) herein, the Minister of Environment and Water or a person empowered thereby shall impose a sanction, acting on:

1. a memorandum on inspection by the controlling officials of the Ministry of Environment and Water;

2. (amended, SG No. 103/2009, SG No. 32/2012, effective 24.04.2012) reports of laboratory tests/analyses for identification of the environmental pollution or damage and/or non-compliance with the established emission values and restrictions issued by accredited laboratories for own periodical or continuous measurements of the persons referred to in Article 69 (1) herein;

3. a memorandum of ascertainment, drawn up on the basis of the memoranda referred to in Item 1 and/or the reports referred to in Item 2 by the controlling officials of the Ministry of Environment and Water;

4. a proposal by the controlling officials of the Ministry of Environment and Water for imposition of a sanction, including the type, duration and causes of the environmental pollution or damage, as well as the type and amount of the sanction.

(2) (Amended, SG No. 103/2009) Where the environmental damage or pollution in excess of the permissible levels and/or in case of non-compliance with the emission values and restrictions as set in the permits or in the integrated permits is ascertained on the basis of own periodical or continuous measurements, the Minister of Environment and Water or a person empowered thereby shall impose a sanction without conducting the inspection referred to in Item 1 of Paragraph (1).

(3) The Minister of Environment and Water shall issue an order endorsing standard forms of the memorandum on inspection, the memorandum of ascertainment, the proposal for imposition of a sanction and the penalty decree.

#### Article 69b

(New, SG No. 77/2005)

(1) (Amended, SG No. 103/2009) Any penalized person, who or which discontinues or abates the environmental damage or pollution and/or the non-compliance with the established emission values and restrictions, may submit a reasoned request for revocation or relaxation of the sanction referred to in Article 69 (1) herein to the authority which has issued the penalty decree.

(2) In the cases referred to in Paragraph (1), the control authorities of the Ministry of Environment and Water shall conduct an inspection within five working days after receipt of a request referred to in Paragraph (1).

(3) (Amended, SG No. 32/2012, effective 24.04.2012) Where the discontinuance or abatement of the environmental pollution or damage is ascertained by tests/analyses, the said tests/analyses shall be performed by accredited laboratories, including accredited laboratories for own periodical or continuous measurements.

(4) (Amended, SG No. 103/2009) Where the discontinuance or abatement of the environmental damage or pollution in excess of the permissible levels and/or the non-compliance with the established emission values and restrictions is ascertained on the basis of own periodical or continuous measurements, the authority which has issued the penalty decree shall revoke or relax the sanction imposed without conducting the inspection referred to in Item 1 of Article 69a (1) herein.

(5) (Amended, SG No. 103/2009) The authority which has issued the penalty decree shall issue an order revoking the sanction where, proceeding from the memorandum on inspection, the reports of the laboratory tests/analyses, the memorandum of ascertainment and the proposal by the controlling officials of the Ministry of Environment and Water for revocation of the sanction, it is ascertained that the environmental damage or pollution and/or the non-compliance with the established emission values and restrictions has been discontinued.

(6) (Amended, SG No. 103/2009) The authority which has issued the penalty decree shall issue an order relaxing the sanction where, proceeding from the memorandum on inspection, the reports of the laboratory tests/analyses, the memorandum of ascertainment and the proposal by the controlling officials of the Ministry of Environment and Water for revocation of the sanction it is ascertained that the environmental damage or pollution and/or the non-compliance with the

established emission values and restrictions has been abated.

(7) The sanction referred to in Article 69 (1) herein shall be revoked or relaxed as from the date of receipt by the competent authority of the request of the penalized person.

(8) (Amended, SG No. 103/2009) Where, proceeding from the memorandum on inspection, the reports of the laboratory tests/analyses, the memorandum of ascertainment and the proposal by the controlling officials of the Ministry of Environment and Water for imposition of a sanction, it is ascertained that the environmental damage or pollution or non-compliance with the established emission values and restrictions has increased, the authority which has issued the penalty decree shall issue an order revoking the initially imposed sanction.

(9) In the cases referred to in Paragraph (8), the Minister of Environment and Water or a person empowered thereby shall impose, by a penalty decree, a new sanction according to the procedure established by Article 69a herein.

(10) (Amended, SG No. 103/2009) The type, amount and procedure for revocation or relaxation of sanctions upon environmental damage or pollution in excess of the permissible levels and/or in case of non-compliance with the established emission values and restrictions shall be established by the ordinance referred to in Article 69 (8) herein.

#### Article 69c

(New, SG No. 77/2005)

(1) (Amended, SG No. 103/2009) Upon suspension or abandonment of the activity which caused the environmental damage or pollution in excess of the permissible levels and/or the non-compliance with the established emission values and restrictions, the person referred to in Article 69 (1) herein may submit a reasoned request for halting of the sanction as imposed to the authority which has issued the penalty decree or the order referred to in Article 69b (6) herein.

(2) In the cases referred to in Paragraph (1), the control authorities of the Ministry of Environment and Water shall conduct an inspection within five working days after receipt of the request referred to in Paragraph (1) and shall draw up a memorandum of ascertainment, establishing the abandonment of the activity.

(3) (Amended, SG No. 103/2009) The Minister of Environment and Water or a person empowered thereby shall issue an order halting the sanction where, proceeding from the memorandum of ascertainment referred to in Paragraph (2), it is ascertained that the activity which caused the environmental damage or pollution in excess of the permissible levels and/or the non-compliance with the established emission values and restrictions has been discontinued.

(4) The sanction as imposed shall be halted as from the date of receipt by the competent authority of the request of the penalized person.

(5) The penalized person shall be obligated to notify in writing the authority which has issued the order referred to in Paragraph (3) not later than three days prior to the day of resumption of the activity referred to in Paragraph (1).

(6) The Minister of Environment and Water or a person empowered thereby shall issue an order reactivating the sanction referred to in Article 69 (1) or in Article 69b (6) herein as from the date of resumption of the activity according to the notification referred to in Paragraph (5).

(7) (Supplemented, SG No. 32/2012, effective 24.04.2012) Should the penalized person fail to notify the authority which has issued the order referred to in Paragraph (3) of the resumption of the activity and, after an inspection by the control authorities of the Ministry of Environment and Water, should it be ascertained that the said activity has been resumed, the Minister of Environment and Water or an official empowered thereby on the basis of a memorandum on inspection and a memorandum of ascertainment drawn up shall impose, by a penalty decree, a sanction for the period commencing upon the halting of the sanction under Paragraph (3) and concluding on the date of the inspection by the control authorities of the Ministry of Environment and Water.

(8) The sanction referred to in Paragraph (7) shall be imposed in a treble amount of the initial sanction halted under Paragraph (3).

(9) In the cases referred to in Paragraph (7), the authority which has issued the order referred to in Paragraph (3) shall reactivate the sanction as from the date of the inspection by the control authorities of the Ministry of Environment and Water.

(10) Upon resumption of the activity, the penalized person may submit a reasoned request for revocation or relaxation of the reactivatable sanction to the authority which has issued the order referred to in Paragraph (3).

(11) The relaxation or revocation of the reactivatable sanction shall follow the procedure established by Article 69b herein.

(12) The Minister of Environment and Water shall issue an order endorsing a standard form of the memorandum of ascertainment referred to in Paragraph (2).

(13) (Amended, SG No. 103/2009) The procedure for halting and reactivation of sanctions upon environmental damage or pollution in excess of the permissible levels and/or the non-compliance with the established emission values and restrictions shall be regulated by the ordinance referred to in Article 69 (8) herein.

#### Article 70

(Amended, SG No. 77/2005, repealed, SG No. 103/2009).

#### Article 71

(1) (Redesignated from Article 71, SG No. 52/2008) The Ministry of Environment and Water shall charge fees for the issuance of environmental impact assessment decisions, permits, opinions, licences, and for registration.

(2) (New, SG No. 52/2008, amended, SG No. 61/2010) Permits or authorizations shall not be granted to any persons who or which incur any monetary obligations to the State or the municipality within the meaning given by Article 162 (2) of the Tax and Social-Insurance Procedure Code, ascertained by an effective instrument of a competent authority, or any obligations to the Enterprise for Management of Environmental Protection Activities, determined by the special laws regulating the environment.

#### Article 72

The procedure for fixing and collection of the fees referred to in Article 71 herein shall be established in a rate schedule approved by the Council of Ministers.

#### Article 72a

(New, SG No. 77/2005)

(1) (Supplemented, SG No 89/2007, amended, SG No. 12/2009, effective 1.01.2010 - amended, SG No. 32/2009) Any delinquent fines and sanctions under this Act, under the Water Act, the Soils Act, the Waste Management Act, the Medicinal Plants Act , the Protected Areas Act , the Clean Ambient Air Act , the Subsurface Resources Act , the Biological Diversity Act and the Protection Against the Harmful Impact of Chemical Substances and Preparations Act shall be collected with interest on the sanctions and costs by the National Revenue Agency according to the procedure established by the Tax and Social-Insurance Procedure Code.

(2) The Minister of Environment and Water or a person empowered thereby shall issue a written statement on ascertainment of a public state receivable under Paragraph (1).

#### Article 73

(Amended, SG No. 15/2013, effective 1.01.2014)

On a motion by the Minister of Environment and Water, made in consultation with the Minister of Finance, financial resources in the state budget shall be allocated annually for implementation of priority environmental projects and activities



included in the national environmental strategies and programmes shall be allocated annually by the State Budget Act.

#### Article 74

On a motion by the competent municipality mayor, financial resources for implementation of priority environmental activities and projects included in the municipal environmental protection programmes shall be allocated annually with the adoption of the municipal budget.

## **Chapter Five**

# **ENVIRONMENTAL STRATEGIES AND PROGRAMMES**

#### Article 75

(1) The National Environmental Strategy and the municipal environmental programmes shall be tools for achievement of the purposes of this Act and shall be elaborated in accordance with the principles of environmental protection covered under Article 3 herein.

(2) (Amended, SG No. 88/2005, SG No. 93/2009, effective 25.12.2009, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The Minister of Environment and Water shall, acting in consultation with the Minister of Health, the Minister of Regional Development and Public Works, the Minister of Transport Information Technology and Communications, the Minister of Agriculture and Food and other ministers and heads of state agency concerned, elaborate the National Environmental Strategy and lay the said Strategy before the Council of Ministers for approval.

(3) The process of elaboration and public discussion of the National Environmental Strategy shall furthermore involve representatives of the research community and of non governmental ecologist and branch organizations.

(4) The Council of Ministers shall present the National Environmental Strategy to the National Assembly for adoption and, thereafter, shall publish the said Strategy.

#### Article 76

(1) The National Environmental Strategy shall be elaborated for a period of ten years and shall contain:

1. an analysis of the state of the environment by environmental medium, an analysis of the factors impacting the environmental media and of the trends, causes and sources of environmental pollution and damage by sector of the national economy, as well as an analysis of the institutional framework, the administrative and economic policy implementation tools;

2. assessment of the possibilities and limitations at national and international level;

3. objectives and priorities;

4. modalities for attainment of the objectives;

5. options for implementation of the strategy with assessment of the possible favourable and adverse impacts and consequences on a national and international plane;

6. a five-year action plan with specific institutional, organizational and investment measures, deadlines, responsible institutions, required resources and possible sources of financing;

7. a scheme for organization, monitoring and reporting of the implementation of the action plan, for evaluation of results, and for remedial action where necessary;

8. miscellaneous.

(2) The following principal criteria shall be applied in identifying the priorities of the National Environmental Strategy:

1. adherence to the principles of sustainable development;
2. prevention and reduction of the risk to human health and the environment;
3. prevention and reduction of the risk to biological diversity;
4. mitigation of the harmful impact of natural processes and phenomena on the environmental media;
5. optimum utilization of natural resources and energy.

(3) Annually, the Minister of Environment and Water shall lay a report on the implementation of the action plan under Item 6 of Paragraph (1) before the Council of Ministers.

(4) Any revisions amending, supplementing and updating the National Environmental Strategy and of five-year action plans shall have to be adopted by the National Assembly on a motion by the Council of Ministers.

#### Article 77

The national plans and programmes by environmental medium and by environmental impacting factors that impact them shall be elaborated on the basis of the principles, objectives and priorities of the National Environmental Strategy and in conformity with the requirements of the special laws regulating the environment.

#### Article 77a

(New, SG No. 77/2005, amended, SG No. 82/2009, effective 16.10.2009, SG No. 66/2013, effective 26.07.2013, repealed, SG No. 22/2014, effective 11.03.2014).

#### Article 78

The plans and programmes for regional development, for development of the national economy or of individual branches thereof at national and regional level shall provide for integrated environmental protection in conformity with the principles and purposes of this Act and of the National Environmental Strategy.

#### Article 79

(1) The municipality mayors shall elaborate environmental protection programmes for the relevant municipality in compliance with instructions of the Minister of Environment and Water.

(2) The programmes referred to in Paragraph (1) shall cover a minimum implementation period of three years.

(3) The local units of the relevant ministries and state agencies, which collect and hold information relating to the environment, shall assist in the elaboration of the said programmes through participation of experts thereof and provision of information. Representatives of non-governmental organizations, of companies and of branch organizations shall also be involved in the elaboration, revision and updating of the said programmes.

(4) The programmes shall be adopted by the Municipal Councils which shall oversee the implementation therein.

(5) Annually, the municipality mayors shall lay a report on the implementation of the environmental programme before the Municipal Council and, where necessary, shall move revisions supplementing and updating the said programme.

(6) The reports referred to in Paragraph (5) shall be submitted to the RIEW for information.

#### Article 80

Projects proposed by municipalities for financing from the national budget or from national funds may be financed solely where the said projects are justified as priority projects in the respective municipal environmental programme.

# **Chapter Six**

## **ENVIRONMENTAL ASSESSMENT AND ENVIRONMENTAL IMPACT ASSESSMENT**

### **Section I**

#### **General Provisions**

##### **Article 81**

(1) (Supplemented, SG No. 47/2009, effective 23.06.2009) Environmental assessment and environmental impact assessment shall be conducted for plans, programmes and development proposals for execution of construction, activities and technologies or modifications or extensions thereof, whereof the implementation is likely to have significant effects on the environment as follows:

1. (effective 1.07.2004 - SG No. 91/2002, supplemented, SG No. 77/2005) environmental assessment shall be conducted of plans or programmes which are in a process of preparation and/or approval by central or local executive authorities, bodies of local self-government and the National Assembly;

2. environmental impact assessment (EIA) shall be conducted for development proposals for execution of construction, activities and technologies listed in Annexes 1 and 2 hereto.

(2) The objective of the environmental assessment and of the EIA is to integrate environmental considerations into the process of development as a whole with a view to introducing the principle of sustainable development in accordance with Articles 3 and 9 herein.

(3) (Effective 1.07.2004 - SG No. 91/2002) Environmental assessment of plans and programmes shall be conducted simultaneously with the preparation therein, taking into account the objectives and the geographical scope of the plans or programmes and the level of detail thereof, so that the likely effects on the environment of implementation of the development proposals included in the said plans or programmes are appropriately identified, described and evaluated.

(4) (New, SG No. 77/2005) Any plans and programmes elaborated solely for the purposes of national defence or of civil protection, as well as any free-standing financial plans and budgets, shall not be subject to environmental assessment.

(5) (Renumbered from Paragraph (4), SG No. 77/2005) The environmental impact assessment referred to in Item 2 of Paragraph (1) shall identify, describe and assess in an appropriate manner, in the light of each particular case, the direct and indirect effects of a development proposal for execution of construction, activities and technologies on: human beings; biological diversity and the elements thereof, including flora and fauna; soil, water, air, climate and the landscape; the bowels of the Earth, physical structures and the cultural and historical heritage, as well as the interaction among these factors.

(6) (Renumbered from Paragraph (5) and amended, SG No. 77/2005) Conduct of EIA of development proposals for execution of construction, activities and technologies listed in Annexes 1 and 2 hereto, where the said proposals are for the purposes of national defence, shall be evaluated in each particular case. Determination shall be made by a decision of the Council of Ministers on a reasoned motion by the Minister of Defence and the Minister of Environment and Water. Any such determination shall take into consideration the expected adverse impact which the conduct of EIA would have on the purposes of national defence.

(7) (Renumbered from Paragraph (6), SG No. 77/2005) An EIA procedure shall not be conducted for development proposals where, according to a procedure established by a special law, the said proposals are subject to approval in a procedure including a similar assessment and provided that public access to the relevant information is ensured.

##### **Article 82**

(1) (Effective 1.07.2004 - SG No. 91/2002) The assessment referred to in Item 1 of Article 81 (1) herein shall be fully integrated with the existing procedures for preparation and approval of plans and programmes.

(2) (Amended, SG No. 77/2005, SG No. 32/2012, effective 24.04.2012) The assessment referred to in Item 2 of Article 81 (1) herein shall be integrated with the procedures for preparation and approval of the development proposal according to the procedure established by a special law.

(3) (Supplemented, SG No. 77/2005, amended, SG No. 32/2012, effective 24.04.2012) Where implementation of the development proposal requires pursuit of other subsidiary or supporting activities connected with the principal subject of assessment, the said activities shall likewise be included in the requisite assessment, irrespective of whether the said activities in themselves fall within the scope of Annexes 1 or 2 hereto. If the subsidiary or supporting activities in themselves are subject to EIA as development proposals, all assessments shall be integrated and a single joint procedure shall be conducted.

(4) (Effective 1.07.2004, SG No. 91/2002, amended, SG No. 32/2012, effective 24.04.2012, SG No. 27/2013) The environmental assessment of plans and programmes shall be completed when an opinion or a decision of the competent authority referred to in Article 84 (1) herein is issued. The said effective opinion or decision shall be a mandatory condition for subsequent approval of the plan or programme. The authorities responsible for the adoption and implementation of the plan or programme shall reckon with the said opinion or decision and with the conditions, measures and restrictions set therein.

(5) (Amended, SG No. 77/2005, SG No. 32/2012, effective 24.04.2012, SG No. 27/2013) The assessment of development proposals shall be completed when a decision of the competent authority referred to in Article 93 (2) or (3) or Article 94 herein is issued, and the said decision may contain conditions, measures and restrictions which shall be mandatory for the initiator. The said effective decision shall be a mandatory condition for the approval/authorization of the development proposal according to the procedure established by a special law. The approving/authorizing authority shall reckon with the nature of the decision, shall take into account the conditions, measures and restrictions, and the said decision shall be an annex constituting an integral part of the administrative act on approval/authorization necessary for the implementation of the development proposal.

(6) (New, SG No. 32/2012, effective 24.04.2012) Any commenced EIA or environmental assessment procedures may be terminated at each stage where the development proposal, plan or programme concerned is found inadmissible and in the cases under the ordinances referred to in Article 90 (1) and Article 101 (1) herein.

## Article 83

(Amended and supplemented, SG No. 77/2005, amended, SG No. 103/2009)

(1) The assessments referred to in Article 81 (1) herein shall be commissioned by the initiator of the plan or programme or by the initiator of the proposal referred to in Item 2 of Article 81 (1) herein to a team of experts with a team leader.

(2) The team leader and the members of the team referred to in Paragraph (1) may be Bulgarian and foreign natural persons holding a Master's educational and qualification degree.

(3) (Supplemented, SG No. 46/2010, effective 18.06.2010) In the course of consultations under the environmental impact assessment (EIA) procedure, the competent environment authority or an official empowered thereby may, at its own discretion or upon request, recommend to the initiator that the team referred to in Paragraph (1) include experts with particular qualifications in accordance with the specificity of the investment proposal or with its location.

(4) The members of the team and the team leader referred to in Paragraph (1) must declare in writing that:

1. they are not personally interested in the implementation of the respective development proposal, plan or programme;

2. they are familiar with the requirements of the effective Bulgarian and European statutory framework regulating the environment and that they refer to and comply with these requirements and with applicable methodological documents in the course of their work on the assessments referred to in Article 81 (1) herein ; the requirements for the declarations shall be specified by the ordinances referred to in Article 90 (1) and Article 101 (1) herein.

(5) The members of the team and the team leader who have prepared the assessments referred to in Article 81 (1) herein shall render a conclusion guided by the principles of human health hazard prevention and ensuring sustainable development in accordance with the effective environmental quality values in the country.

## **Section II**

### **(Effective 1.07.2004, SG No. 91/2002)**

## **Environmental Assessment of Plans and Programmes**

#### **Article 84**

(1) (Supplemented, SG No. 32, effective 24.04.2012) The Minister of Environment and Water or the competent RIEW Director shall be the authority competent to issue an opinion or decision on environmental assessment of plans and programmes according to Article 82 (4) herein.

(2) (Amended, SG No. 103/2009, SG No. 32, effective 24.04.2012) The opinion or decision referred to in Paragraph (1) shall be issued after conduct of the requisite procedure and shall be based on the entire documentation prepared or required in the course of the procedure as conducted, inter alia taking into account the results of the consultations with the public.

#### **Article 85**

(1) (Amended, SG No. 77/2005, SG No. 41/2007) An environmental assessment shall be mandatory for any plans and programmes in the areas of agriculture, forestry, fisheries, transport, energy, waste management, water resources management, and industry, including extraction of subsurface resources, electronic communications, tourism, spatial planning and land use, where the said plans and programmes set the framework for future development of any development proposals listed in Annexes 1 and 2 hereto.

(2) (Amended, SG No. 77/2005) Any plans and programmes referred to in Paragraph (1), which affect small areas at local level and involve modifications of plans and programmes referred to in Paragraph (1), shall require an environmental assessment solely where they are likely to have significant effects on the environment.

(3) (Repealed, SG No. 77/2005).

(4) (Amended and supplemented, SG No. 77/2005) The Minister of Environment and Water or the competent RIEW Director shall evaluate by a decision the need of environmental assessment of a plan or programme proposed or modification of any such plan or programme according to the procedure established by the ordinance referred to in Article 90 herein, in conformity with the following criteria for determining the likely significance of the effects thereof:

1. the characteristics of plans and programmes, having regard to:

(a) the degree to which the plan or programme sets a framework for development proposals and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;

(b) (amended, SG No. 52/2008) the relevance of the plan or programme for integration of environmental aspects, in particular with a view to encouraging sustainable development;

(c) (new, SG No. 52/2008) environmental problems relevant to the plan or programme;

(d) (new, SG No. 52/2008) the relevance of the plan or programme to the implementation of Community law in the field of the environment;

2. (amended, SG No. 52/2008) characteristics of the effects and of the area likely to be affected, having regard to: probability, duration, frequency, reversibility and cumulative nature of the potential impact; potential transboundary impact, potential impact on and risk to human health or the environment, including as a result of accidents, magnitude and spatial

extent of the effects (geographical area and size of the population likely to be affected), value and vulnerability of the area affected (as a result of special natural characteristics or cultural and historical heritage; excess of environmental quality standards or maximum values; use of land for intensive agricultural purposes); impact on areas or landscapes which have a recognised national, Community or international protection status;

3. (supplemented, SG No. 52/2008) the degree to which the plan or programme influences other plans and programmes, including those in a particular hierarchy.

(5) (Amended, SG No. 77/2005, SG No. 32/2012, effective 24.04.2012) A reasoned decision referred to in Paragraph (4) shall be issued within thirty days after submission of a request by the initiator of the plan or programme depending on the specificity and complexity of the said plan or programme and shall be announced to the general public.

(6) (New, SG No. 77/2005) The plans and programmes, for which conduct of an environmental assessment is mandatory and for which the need of an environmental assessment is evaluated, shall be specified by the ordinance referred to in Article 90 herein.

## Article 86

(1) (Amended, SG No. 77/2005, SG No. 103/2009, SG No. 32/2012, effective 24.04.2012) The preparation of the environmental assessment shall be commissioned by the initiator of the plan or programme under the terms and according to the procedure established by Article 83 herein.

(2) The environmental assessment report shall include information corresponding to the level of detail of the plan or programme and to the methods of assessment employed.

(3) The environmental assessment report shall mandatorily contain:

1. (supplemented, SG No. 52/2008) a description of the content of the main objectives of the plan or programme and relationship with other relevant plans and programmes;

2. (supplemented, SG No. 77/2005, amended, SG No. 52/2008) the respective aspects of the current state of the environment and likely evolution without implementation of the plan or programme;

3. (amended, SG No. 52/2008) the environmental characteristics of areas likely to be significantly affected;

4. (supplemented, SG No. 52/2008) the existing environmental problems ascertained at different levels which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as the protected areas under the Biological Diversity Act;

5. the environmental protection objectives, established at national and international level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during preparation of the said plan or programme;

6. (supplemented, SG No. 77/2005, amended, SG No. 52/2008) likely significant effects on the environment, including biological diversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural and historical heritage, including architectural and archaeological heritage, landscape and the inter-relationship between the above factors; these impacts must cover any secondary, cumulative, simultaneous, short, medium and long-term, permanent and temporary, positive and negative effects;

7. (amended, SG No. 52/2008) the measures envisaged to prevent, reduce and, as fully as possible, offset any adverse effects on the environment resulting from implementation of the plan or programme;

8. (amended, SG No. 52/2008) a description of the reasons for the choice of the alternatives studied and of the methods for conduct of the assessment, including any difficulties encountered in compiling the required information, such as technical deficiencies and lack of know-how;

9. a description of the measures envisaged in connection with monitoring during the implementation of the plan or

programme;

10. a non-technical summary of the environmental assessment.

(4) (New, SG No. 77/2005) In compliance with Paragraphs (1), (2) and (3), an environmental assessment shall not be commissioned as a separate report where, according to the procedure established by a special law, such an assessment is required to be part of the plan or programme, as well as where the plan or programme is prepared and/or approved by the authorities referred to in Article 84 (1) herein.

#### Article 87

(1) The initiator of the plan or programme shall:

1. (amended, SG No. 103/2009) ensure the necessary support to the experts referred to in Article 83 (1) herein for consultations with the bodies concerned and likely to be affected, in particular with those responsible for the preparation and implementation of the plan or programme subject to environmental assessment;

2. organize consultations with the public and with persons concerned who are affected by the implementation of the plan or programme;

3. send a copy of the plan or programme and of the report referred to in Article 86 (2) herein to each State likely to be affected by the implementation of the said plan or programme;

4. organize consultations with the State likely to be affected.

(2) The results of the consultations shall be reflected into the environmental assessment report and shall be taken into account in the opinion of the Minister of Environment and Water or the competent RIEW Director.

#### Article 88

(1) (Amended, SG No. 32/2012, effective 24.04.2012) The opinion on an environmental assessment or the decision whereby it is evaluated that there is no need to conduct an environmental assessment shall mandatorily include justification of the selection of a particular alternative from an environmental point of view and the measures referred to in Article 89 herein. The opinion on an environmental assessment or the decision may contain conditions, measures and restrictions the compliance wherewith shall be mandatory.

(2) (Supplemented, SG No. 77/2005, SG No. 32/2012, effective 24.04.2012) The opinion or decision referred to in Paragraph (1) shall be made available to the general public, the parties affected and concerned, and to any State likely to be affected by the implementation of the plan or programme according to a procedure established by the ordinance referred to in Article 90 (1) herein.

#### Article 89

(Supplemented, SG No. 46/2010, effective 18.06.2010)

The measures related to monitoring and control of the plan or programme implementation shall be agreed in consultation between the Minister of Environment and Water or an official empowered thereby or the competent RIEW Director and the authority responsible for the implementation of the plan or programme.

#### Article 90

(1) (Amended, SG No. 77/2005) The terms and procedure for conduct of environmental assessment shall be established by an ordinance of the Council of Ministers.

(2) The ordinance referred to in Paragraph (1) shall specify the requirements concerning:

1. (amended, SG No. 77/2005) the evaluation of the need and scope of environmental assessment of the potential

effects of implementation of the plan or programme, as well as concerning the manner of announcement to the general public of the decision referred to in Article 85 (4) herein;

2. the obligations of the authorities which initiate or implement the plan or programme subject to environmental assessment;

3. the scope, content and form of the environmental assessment report;

4. the deadlines, terms and a procedure for holding consultations with the public and third parties likely to be affected by the plan or the programme;

5. (supplemented, SG No. 32/2012, effective 24.04.2012) the form and content of the evaluation decision and of the opinion of the Minister of Environment and water or of the competent RIEW Director;

6. the conditions for inclusion of the results of the consultations referred to in Item 4 in the opinion of the Minister of the Environment of Water or of the competent RIEW Director;

7. (amended, SG No. 32/2012, effective 24.04.2012) the monitoring and control of compliance with the conditions, measures and restrictions set in the evaluation decision or in the opinion of the Minister of Environment and Water or of the competent RIEW Director in the process of implementation of the plan or programme;

8. the monitoring and control of the environmental effects upon implementation of the plan or programme with a view to undertaking measures for prevention or mitigation of the environmental damage likely to occur as a result of the said implementation;

9. (new, SG No. 32/2012, effective 24.04.2012) the content and the maintenance of the register containing data about environmental assessment procedures as part of the register referred to in Article 102 herein.

## Article 91

(1) The environmental assessment of plans or programmes shall be conducted independently of the EIA under Section III of this Chapter.

(2) (New, SG No. 77/2005) Where a separate plan or programme under Article 85 (1) and (2) herein is required for any development proposal included in Annex 1 or 2 hereto, the competent environment authority, acting at the request of the initiator or at its own discretion, may admit the conduct of only one of the assessments covered under Chapter Six herein.

(3) (Renumbered from Paragraph (2), SG No. 77/2005) The information collected and the analyses made during preparation of the environmental assessment of plans and programmes, as well as the opinion of the Minister or the RIEW Director, shall be used upon preparation of the EIA statements and making the EIA decisions for development proposals listed in Annexes 1 and 2 hereto.

## **Section III**

### **Environmental Impact Assessment of Development Proposals**

## Article 92

Environmental Impact Assessment shall mandatorily be conducted of:

1. any development proposals for execution of construction, activities and technologies listed in Annex 1 hereto;

2. (supplemented, SG No. 47/2009, effective 26.06.2009) any development proposals for execution of construction, activities and technologies likely to cause a significant adverse transboundary environmental impact according to Appendix I to Article 2 of the Convention on Environmental Impact Assessment in a Transboundary Context, done at Espoo, Finland, on 25 February 1991, ratified by law (State Gazette No. 28 of 1995) ([Convention] promulgated in the State Gazette No.



## Article 93

(1) (Amended, SG No 77/2005, SG No. 47/2009, effective 23.06.2009) The need of conduct of EIA shall be evaluated for:

1. any development proposals according to Annex 2 hereto;

2. any extension or modification of development proposals according to Annex 2 hereto, which have already been approved or are in the process of being approved, have been executed or are in the process of being executed, provided any such extension or modification may cause a significant adverse impact on the environment;

3 any extension or modification of development proposals according to Annex 1 hereto and Appendix I to Article 2 of the Convention on Environmental Impact Assessment in a Transboundary Context , which have already been approved or are in the process of being approved, have been executed or are in the process of being executed, provided any such extension and/or modification may cause a significant adverse impact on the environment;

4. any development proposals according to Annex 1 hereto, which are developed exclusively or mainly for development and testing of new methods or products and whose period of operation will not exceed two years;

5. (repealed, SG No. 32/2012, effective 24.04.2012).

(2) (Amended, SG No. 32/2012, effective 24.04.2012) The Minister of Environment and Water shall evaluate the need of conduct of EIA in each particular case conforming to the criteria covered under Paragraph (4) and shall deliver a reasoned decision on:

1. the cases referred to in Item 4 of Paragraph (1);

2. all cases in which a significant impact on the environment in the territory of another State or States is likely;

3. any development proposals, any extensions or modifications thereof, which are located or directly affect the territory of any reserves, national parks and managed reserves constituting protected areas according to the procedure established by the Protected Areas Act ;

4. any development proposals, any extensions or modifications thereof, which have been designated works of national importance by an act of the Council of Ministers.

(3) (Amended, SG No. 32/2012, effective 24.04.2012) The need of conduct of EIA under Items 1 to 3 of Paragraph (1) shall be evaluated by the competent RIEW Director in each particular case and conforming to the criteria established under Paragraph (4), and the said Director shall deliver a reasoned decision on such a determination.

(4) The need of conduct of EIA shall be evaluated on the basis of the following criteria:

1. (amended, SG No. 77/2005) characteristics of the proposed construction, activities and technologies, such as: size, productivity, scope, inter-relation and integration with other proposals, use of natural resources, waste generation, environmental pollution and nuisances, as well as risk of accidents;

2. location, including sensitivity of the environment, existing land use, relative availability of appropriate areas, quality and regenerative capacity of the natural resources in the region;

3. reproductive capacity of the ecosystem in the natural environment, especially in:

(a) areas and habitats protected by a law;

(b) mountain areas and woodlands;

(c) wetlands and coastal areas;

(d) (amended, SG No. 77/2005) areas where the environmental quality values are breached;

(e) heavily urbanized areas;

(f) (amended, SG No. 19/2009, effective 10.04.2009) protected areas of stand-alone and cluster cultural values, designated according to the procedure established by the Cultural Heritage Act ;

(g) areas and/or zones and sites enjoying a special sanitation status or subject to sanitary protection;

4. characteristics of the potential impacts, such as territorial coverage, affected population, including transboundary impacts, nature, scope, complexity, probability, duration, frequency, and rehabilitation capacity;

5. public interest in the proposed construction, activities and technologies.

(5) The authorities referred to in Paragraphs (2) and (3) shall pronounce on the need of conduct of EIA within one month after a request is made by the initiator of the proposal referred to in Item 2 of Article 81 herein. The reasoning for the evaluation shall be declared to the general public.

(6) (New, SG No. 32/2012, effective 24.04.2012) Upon change of the initiator, of the parameters of the development proposal or of any of the circumstances whereunder a decision evaluating the need of an EIA has been issued, the initiator or the new initiator shall notify, in a timely manner, the competent environment authority.

(7) (New, SG No. 53/2012, effective 13.07.2012) A decision stating that an EIA is not required shall lose its legal effect if, within 5 years of the date of its issue, the implementation of the development proposal has not begun, which shall be ascertained with an inspection by the control authorities responsible for the environment.

#### Article 94

(Supplemented, SG No. 77/2005, amended, SG No. 32/2012, effective 24.04.2012)

(1) The Minister of Environment and Water shall be a competent authority for the purposes of making a decision on EIA for any development proposals, extensions or modifications:

1. affecting any reserves, national parks and managed reserves constituting protected areas according to the procedure established by the Protected Areas Act ;

2. affecting an area covered by two or more RIEWs;

3. in the cases of evaluation of the need of conduct of EIA under Article 93 (2) herein;

4. in the cases referred to in Article 98 (1) herein;

5. which have been designated works of national importance by an act of the Council of Ministers;

6. for drilling for exploration and production of unconventional hydrocarbons, including shale gas.

(2) The Director of the competent RIEW shall be a competent authority for the purposes of making a decision on EIA for any development proposals, extensions or modifications in the cases not covered under Paragraph (1).

#### Article 95

(1) (Amended, SG No. 77/2005) At the earliest stage of the development-project intention, the initiator of the development proposal shall inform the competent authority and the public concerned of the proposal, announcing the said proposal in writing.

(2) (New, SG No. 77/2005) The initiator shall ensure elaboration of terms of reference for the scope and content of the EIA for any development proposals under Annex 1 hereto and for such proposals in respect of which conduct of EIA has been evaluated by a decision.

(3) (Renumbered from Paragraph (2), SG No. 77/2005, supplemented, SG No. 46/2010, effective 18.06.2010) The initiator shall undertake consultations with the competent authorities or officials empowered thereby, with other specialized institutions and the public concerned for the purpose of the making of an EIA decision. The consultations shall be undertaken with regard to:

1. the specific characteristics of the proposed construction, activities or technologies, level of development of the design solution and its inter-relation with existing or other planned construction, activities or technologies;
2. the characteristics of the existing environment and all environmental media thereof;
3. the significance of the eventual impacts;
4. the terms of reference for the scope and content of the EIA;
5. the scope of study connected to the EIA;
6. the alternative development proposals;
7. the affected population's interests and opinions;
8. the sources of information;
9. the forecasting methods used to assess the effects on the environment;
10. measures for mitigation of the eventual adverse impacts on the environment.

#### Article 96

(1) (Amended, SG No. 32/2012, effective 24.04.2012) The initiator of the proposal under Item 2 of Article 81 (1) herein shall submit an EIA statement of the following content to the competent authority for the purposes of quality evaluation:

1. a summary of the development proposal for execution of construction, activities and technologies;
2. (amended, SG No. 77/2005) alternatives of siting (including plats and bearings of typical points within the established national coordinate system) and/or alternatives to the technologies as studied by the initiator and reasoning of the choice of study made, considering the environmental impact, including a "zero alternative";
3. a description and analysis of the environmental media and factors covered under Articles 4 and 5 herein and of the physical structures and the cultural heritage that will be significantly affected by the development proposal, as well as the interaction among these aspects;
4. description, analysis and assessment of the potential significant effects on the population and the environment resulting from:
  - (a) implementation of the development proposal;
  - (b) use of natural resources;
  - (c) emissions of harmful substances in normal circumstances and in an emergency, generation of waste and creation of nuisances;
5. information on the forecasting methods used to assess the effects on the environment;

6. a description of the measures envisaged to avoid, reduce and, if possible, remedy significant adverse effects on the environment, as well as a plan for implementation of the said measures;

7. (supplemented, SG No. 46/2010, effective 18.06.2010) observations and opinions expressed by the public concerned, of the authorities competent to make an EIA decision or officials empowered thereby and other specialized institutions and the States affected in a transboundary context, as a result of the consultations held;

8. (amended, SG No. 77/2005, SG No. 103/2009) conclusion in conformity with the requirements of Article 83 (5) herein;

9. a non-technical summary of the information;

10. information on the difficulties (technical reasons, insufficiency or lack of data) encountered in the collection of information for preparation of the EIA statement;

11. (supplemented, SG No. 46/2010, effective 18.06.2010) other information at the discretion of the competent authority or an official empowered thereby.

(2) The costs of EIA shall be borne by the initiator of the proposal under Item 2 of Article 81 (1) herein.

(3) The initiator of the proposal under Item 2 of Article 81 (1) herein shall provide the information necessary for conduct of EIA, as well as any additional information related to the development proposal.

(4) Other authorities, which hold information concerning the EIA, shall be obligated to provide this information in accordance with Chapter Two herein.

(5) Should there be any state, official or other secret safeguarded by law, the information shall be provided in conformity with the confidentiality requirements of Article 20 herein.

(6) (Amended, SG No. 77/2005, SG No. 103/2009, SG No. 32/2012, effective 24.04.2012) The competent authority or an official empowered thereby shall evaluate the quality of the EIA statement with regard to the consultations held under Article 95 (3) herein and the satisfaction of the requirements of the statutory framework regulating the environment within thirty days after submission of the statement.

## Article 97

(1) (Supplemented, SG No. 46/2010, effective 18.06.2010) After receiving a favourable evaluation under Article 96 (6) herein, the initiator shall organize, jointly with the municipalities, mayoralities and boroughs concerned as specified by the competent authority or an official empowered thereby, public discussions on the EIA statement.

(2) (New, SG No. 42/2011) To organize the public discussions, the initiator shall submit a written request to the authorities specified by the competent authorities referred to in Paragraph (1), proposing a venue, a date and an hour of the meeting/meetings for public discussions, the place for public access to the documentation and for expression of observations, with the date of the first meeting being not later than sixty days from the date of submission of the request. One copy of the EIA statement with all annexes thereto for each one of the authorities specified under Paragraph (1) shall be attached to the written proposal. The authorities specified under Paragraph (1) shall confirm in writing the proposal within seven days after submission of the request or shall make an alternative proposal for the same sixty-day time limit, and upon failure of the authorities referred to in Paragraph (1) to pronounce within the seven-day time limit, the proposal of the initiator shall be presumed to have been accepted.

(3) (Renumbered from Paragraph (2), SG No. 42/2011) All natural and legal persons concerned may participate in the discussions referred to in Paragraph (1), including representatives of the authority competent to make an EIA decision, the local executive administration, public organizations and citizens.

(4) (Renumbered from Paragraph (3), amended, SG No. 42/2011) The initiator of the proposal under Item 2 of Article 81 (1) herein shall give the persons under Paragraph (3) notice through the media of mass communication or in

another appropriate manner of the venue and date of the discussion not later than thirty calendar days before the public discussion meeting.

(5) (Supplemented, SG No. 77/2005, renumbered from Paragraph (4), SG No. 42/2011) The initiator of the proposal referred to in Item 2 of Article 81 (1) herein and the competent authorities referred to in Article 94 (1) herein shall ensure public access to the EIA documentation for a period of thirty calendar days prior to commencement of the discussions referred to in Paragraph (1).

(6) (Renumbered from Paragraph (5), SG No. 42/2011) Representatives of the public shall submit their opinions in writing at the public discussion meeting or shall send the said opinions to the authority competent to make an EIA decision not later than seven calendar days after the discussion.

## Article 98

(1) In respect of any development proposals for construction, activities or technologies in the territory Republic of Bulgaria, which are likely to have a significant impact on the environment in the territory of another State or States, the Minister of Environment and Water shall:

1. notify the affected countries at the earliest possible stage of the development proposal but not later than the date of notification of the Bulgarian population;

2. upon agreement on participation in the EIA procedure, make available to the State concerned a description of the development proposal, information on the potential transboundary impact on the environment, and the relevant information on the decision expected to be made.

(2) In cases of notification of a potential significant impact on the environment in the territory of the Republic of Bulgaria resulting from a proposed activity on the territory of another State, The Minister of Environment and Water shall ensure:

1. public access to the EIA information as provided;

2. timely dispatch of all statements on the information under Item 1 before any decision is made by the competent authority of the other State.

## Article 99

(1) Within seven days after holding a discussion under Article 97 herein, the initiator shall submit to the competent authority the results of the said discussion, including the opinions and a minutes of proceedings.

(2) (Amended, SG No. 103/2009) The competent authority shall make an EIA decision within 45 days after conduct of the public discussion, taking into account the results thereof.

(3) The EIA decision shall contain:

1. the name of the issuing authority;

2. the name, place of residence/registered office of the initiator;

3. the grounds of fact and law on which the decision is delivered;

4. reasoning;

5. operative part;

6. conditions for implementation, including measures to prevent, reduce or offset significant adverse effects on the environment, as well as deadlines for compliance, where necessary;

7. appellate authority and time limit for appeal;
8. liability for non-compliance with the conditions set in the decision;
9. date of issue and signature.

(4) (Supplemented, SG No. 77/2005, SG No. 46/2010, effective 18.06.2010) Within seven days after delivery of the EIA decision, the competent authority or an official empowered thereby shall:

1. (supplemented, SG No. 77/2005) provide the EIA decision to the initiator of the proposal referred to in Item 2 of Article 81 (1) herein;

2. (supplemented, SG No. 77/2005, amended, SG No. 52/2008) make public the EIA decision through the national mass communication media, the Internet site thereof and/or another appropriate manner.

(5) (Supplemented, SG No. 77/2005, SG No. 46/2010, effective 18.06.2010, SG No. 32/2012, effective 24.04.2012) The competent authority referred to in Paragraph (1) or an official empowered thereby shall ensure access to the content of the EIA decision following the delivery thereof, including access to the annexes to the said decision through the Internet site thereof and according to the procedure established by the Access to Public Information Act .

(6) (Supplemented, SG No. 77/2005, amended, SG No. 30/2006) The persons concerned may appeal against the EIA decision according to the procedure established by the Administrative Procedure Code within fourteen days after the announcement under Paragraph (4).

(7) (Supplemented, SG No. 77/2005) In case of change of the initiator under Item 2 of Paragraph (3), the new initiator of the proposal referred to in Item 2 of Article 81 (1) herein shall mandatorily notify the competent authority which has issued the EIA decision.

(8) (Amended, SG No. 77/2005) The legal effect of the EIA decision shall lapse if implementation of the development proposal has not commenced within five years after the date of delivery of the said decision, which shall be ascertained by an inspection by the environmental control authorities.

(9) (New, SG No. 77/2005, repealed, SG No. 32/2012, effective 24.04.2012).

#### Article 99a

(New, SG No. 105/2008)

(1) (Supplemented, SG No. 32/2012, effective 24.04.2012) In the cases referred to in Article 118 (2) herein, the application of the best available techniques (BAT) shall be determined by means of an assessment of:

1. the consumption (in quantity and type) of water, energy and basic raw materials for the production of a unit of output;
2. the use of dangerous substances for the production of a unit of output;
3. the quantity and type of harmful substances released into ambient air (including the parameters of the releasing devices), into waste water and into water bodies (including the points of discharge);
4. the quantity and type of industrial and/or hazardous waste generated in the production activity.

(2) The assessment referred to in Paragraph (1) shall be presented by the initiator of the development proposal as part of the documentation required as follows:

1. in a procedure for evaluation of the need of conduct of EIA: to the information determined by the ordinance referred to in Article 101 herein;

2. in an EIA procedure: to the EIA statement referred to in Article 96 (1) herein.

(3) (Amended, SG No. 32/2012, effective 24.04.2012) On the basis of the assessment referred to in Paragraph (1) and the observations, opinions and proposals received in the course of the EIA procedure, the decision referred to in Article 93 (2) and (3) or, respectively, the decision referred to in Article 99 (3) herein, shall include reasons for confirmation or non-confirmation of the use of BAT and shall pose conditions to the installations, facilities and technologies.

(4) (Amended, SG No. 32/2012, effective 24.04.2012) Upon non-conformation of the application of BAT, the decision referred to in Article 93 (2) and (3) herein or, respectively, the decision referred to in Article 99 (3) herein shall include a condition for submission of an application for the granting of an integrated permit in compliance with Article 118 (1) herein.

## Article 100

(Supplemented, SG No. 77/2005, SG No. 32/2012, effective 24.04.2012)

The competent authorities covered under Article 94 herein or officials authorized thereby shall oversee the implementation of the measures referred to in Item 6 of Article 96 (1) herein and the compliance with the conditions set in the EIA decision and in the decisions evaluating the need of conduct of EIA.

## Article 101

(1) The terms and a procedure for conduct of EIA shall be established by an ordinance of the Council of Ministers.

(2) The EIA ordinance referred to in Paragraph (1) shall establish the requirements concerning:

1. evaluation of the need of conduct of EIA of the development proposals under Annex 2 hereto;
2. the terms and a procedure for holding consultations with the authorities, the public and the persons likely to be affected by the implementation of the development proposal;
3. the scope, content and form of the EIA statement;
4. the criteria for quality evaluation of the EIA statement;
5. the procedure and manner for arrangement of a public discussion of the EIA statement;
6. the reasoning for making an EIA decision, including the manner in which the opinion of the general public has been taken into account;
7. (amended, SG No. 32/2012, effective 24.04.2012) the procedure and manner for implementation of monitoring and control over compliance with the decisions, including the conditions and measures therein;
8. (new, SG No. 77/2005, amended, SG No. 32/2012, effective 24.04.2012) the content and maintenance of the register containing data about EIA procedures.

## Article 102

(Amended, SG No. 32/2012, effective 24.04.2012)

The Ministry of Environment and Water and the RIEW shall keep a public register containing data about the conduct of EIA and environmental assessment procedures. The said register shall be accessible through the Internet sites of the Ministry of Environment and Water and the RIEW.

# **Chapter Seven**

## **PREVENTION AND LIMITATION OF INDUSTRIAL POLLUTION**

# **Section I**

## **Prevention of Major Accidents**

Article 103

(Amended, SG No. 77/2005)

(1) (Amended, SG No. 32/2012, effective 1.01.2013) For the purpose of prevention of major accidents involving dangerous substances and for limitation of the consequences of such accidents for human life and health and for the environment, each operator of a new or an existing establishment where dangerous substances are used and/or stored in quantities exceeding the limit values specified in Table 1 and/or 3 of Annex 3 hereto (establishments falling within the scope of the requirements of this Section) shall be obligated to submit a notification to the Minister of Environment and Water.

(2) The form and content of the notification referred to in Paragraph (1) shall be determined by the ordinance referred to in Article 104 (6) herein.

(3) (Amended, SG No. 32/2012, effective 1.01.2013) The notification referred to in Paragraph (1) shall be submitted:

1. within one month after the limit values specified in Table 1 and/or 3 of Annex 3 hereto are submitted: applicable to existing establishments;

2. after obtaining a design permit but not later than six months prior to the submission of an application for clearance and approval of the development-project design by the operator according to the procedure established by Section II of Chapter Eight of the Spatial Development Act: applicable to new establishments.

(4) (New, SG No. 32/2012, effective 1.01.2013) Upon ascertainment of any deficiencies and non-conformities in the form and content of the notification referred to in Paragraph (1), the Minister of Environment and Water or an official empowered thereby shall notify the operator in writing within fourteen days, giving directions for the required modifications and setting a time limit for the provision of the additional information.

(5) (Renumbered from Paragraph 4, SG No. 32/2012, effective 1.01.2013) Paragraph (1) shall not apply to:

1. (amended, SG No. 32/2012, effective 1.01.2013) any military sites, installations and storage facilities;

2. any hazards created by ionizing radiation;

3. the transport of dangerous substances or preparations and intermediate temporary storage during carriage by road, rail, inland waterways, sea or air, outside the establishments, as well as loading, unloading and transport to or from another means of transport at docks, wharves, or marshalling yards;

4. the transport of dangerous substances or preparations in pipelines and pumping stations outside the establishments;

5. the activities concerned with prospecting, exploration for, extraction and processing of subsurface resources in underground mines, quarries or by means of boreholes, with the exception of the activities including chemical or thermal treatment whereupon dangerous substances are used or stored;

6. the prospecting, exploration for and extraction of subsurface resources, including petroleum and natural gas, in the continental shelf and the exclusive economic zone;

7. waste landfill sites, with the exception of existing installations for safe disposal of liquid waste, tailings ponds and slime ponds containing dangerous substances.

Article 103a

(New, SG No. 103/2009)



(1) The prevention of major accidents and limitation of the consequences thereof shall be taken into account upon:

1. spatial planning of the spatial development area, and
2. population and environmental protection planning.

(2) (Amended, SG No. 32/2012, effective 1.01.2013) In spatial planning of the spatial development area, the aims referred to in Paragraph (1) shall be achieved by exercising control of:

1. the siting of new establishments and/or installations;
2. substantial changes to establishments and/or installations, for which a permit referred to in Article 104 (1) herein has been granted;
3. (amended, SG No. 32/2012, effective 1.01.2013) the planning of new construction works, such as transport connections, residential zones, sites designated for public use in proximity to existing establishments and/or installations for which a permit referred to in Article 104 (1) herein has been granted, where implementation of the construction of the said works will increase the risk of occurrence of a major accident in the said establishments or will exacerbate the consequences of any such accident.

(3) (Amended, SG No. 32/2012, effective 1.01.2013) The control referred to in Paragraph (2) shall be implemented by means of:

1. granting by the authority referred to in Article 105 herein of permits referred to in Article 104 (1) herein for the construction and operation of new upper-tier establishments;
2. reconsideration by the authority referred to in Article 105 herein of the permits granted in the event of planned substantial changes to upper-tier establishments for which a permit referred to in Article 104 (1) herein has been granted;
3. (amended, SG No. 82/2012, effective 26.11.2012) consultation with the Minister of Environment and Water or with an official empowered thereby regarding the spatial-development plans of municipalities in which establishments falling within the scope of the requirements of this Section are located, and according to the procedure established by Article 127 (2) of the Spatial Development Act.

(4) (Amended, SG No. 82/2012, effective 26.11.2012) In the cases referred to in Paragraph (3), the Minister of Environment and Water or an official empowered thereby shall take into account the observations of the public with regard to the risk of major accidents and the safety measures planned, obtained according to the procedure established by Article 111 (4) herein or Article 127 (1) of the Spatial Development Act.

(5) In planning population and environmental protection, the aims referred to in Paragraph (1) shall be achieved by the drafting of external emergency plans for upper-tier establishments and/or installations by the mayor of the municipality concerned.

(6) The form and contents of the external emergency plans referred to in Paragraph (5) shall be determined by the ordinance referred to in Article 104 (6) herein.

#### Article 104

(1) (Amended, SG No. 77/2005, SG No. 32/2012, effective 1.01.2013) The construction and operation of a new and the operation of an existing establishment and/or installation classified as an "upper-tier establishment and/or installation" shall be carried out after granting of a permit under the terms and according to the procedure established by this Section.

(2) (Amended, SG No. 77/2005) The permit referred to in Paragraph (1) shall be a mandatory condition for the granting of a building permit.

(3) (New, SG No. 77/2005) Any permit referred to in Paragraph (1) shall have an indefinite term of validity.

(4) (Renumbered from Paragraph (3) and amended, SG No. 77/2005, SG No. 32/2012, effective 1.01.2013) Paragraph (1) shall not apply in the cases covered under Article 103 (5) herein.

(5) (Renumbered from Paragraph (4), SG No. 77/2005, supplemented, SG No. 32/2012, effective 1.01.2013) In the event of change of the operator of an upper-tier establishment, the new operator, whether a natural or legal person, shall assume the rights and obligations according to the permit.

(6) (New, SG No. 77/2005) The Council of Ministers shall adopt an ordinance on the prevention of major accidents involving dangerous substances and on the limitation of the consequences of such accidents.

#### Article 105

(Repealed, SG No. 77/2005, new, SG No. 32/2012, effective 1.01.2013)

The Minister of Environment and Water or an official empowered thereby shall be a competent authority for the purposes of granting, reconsidering, modifying and revoking any permits referred to in Article 104 (1) herein.

#### Article 106

(Amended, SG No. 77/2005, SG No. 32/2012, effective 1.01.2013)

In any permit referred to in Article 104 (1) herein, the Minister of Environment and Water may establish conditions related to the construction and operation of the establishment and/or installation.

#### Article 107

(Repealed, SG No. 77/2005, new, SG No. 32/2012, effective 1.01.2013)

(1) The operator of any lower-tier establishment shall develop and implement a major-accident prevention policy, designed to guarantee a high level of protection for human life and health and the environment by planning, developing and implementing appropriate means, structures and management systems.

(2) The operator shall prepare a report on the major-accident prevention policy, which shall include the common objectives and the policy as regards the safe operation of the establishment, a description of the safety measures management system and the specific measures taken for the purpose of reducing the risk of occurrence of major accidents.

(3) For the purposes of the control referred to in Article 157a herein, within four months after submission of the notification referred to in Article 103 (1) herein the operator shall provide a copy of the report referred to in Paragraph (2) to the Director of the RIEW within whose territorial scope the establishment is located.

(4) The RIEW Director shall send an electronic copy of the report referred to in Paragraph (2) to the control authorities referred to in Article 157a (2) herein within ten days after receipt of the said report.

(5) The form and content of the report on the major-accident prevention policy shall be determined by the ordinance referred to in Article 104 (6) herein.

#### Article 108

(Amended, SG No. 77/2005)

(1) (Amended, SG No. 32/2012, effective 1.01.2013) For the purpose of obtaining a permit referred to in Article 104 (1) herein, the operator of any upper-tier establishment shall submit an application to the Minister of Environment and Water not later than seven months after submission of the notification referred to in Article 103 (1) herein.

(2) The form and content of the application referred to in Paragraph (1) shall be determined by the ordinance referred to in Article 104 (6) herein.

## Article 109

(Repealed, SG No. 77/2005).

## Article 110

(Amended, SG No. 77/2005, amended and supplemented, SG No. 103/2009, amended, SG No. 32/2012, effective 1.01.2013)

(1) The operator of any upper-tier establishment shall enclose the following with the application referred to in Article 108 (1) herein:

1. a safety report;
2. an emergency plan for the establishment and/or installation;
3. documentary proof of a fee paid under Article 71 herein.

(2) Where, on the basis of Commission Decision 98/433/EC of 26 June 1998 on harmonised criteria for dispensations according to Article 9 of Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances, the operator of an upper-tier establishment ascertains that certain dangerous substances in the establishment and/or in parts thereof cannot initiate a major accident, the said operator may request from the Minister of Environment and Water or from an official empowered thereby that the information in the safety report be limited to the prevention of major-accident hazards and the limitation of the consequences thereof for man and the environment arising from other dangerous substances present in the establishment and/or in parts thereof/or installation or parts thereof.

(3) The form and content of the documents covered under Paragraph (1) shall be determined by the ordinance referred to in Article 104 (6) herein.

(4) The operator of any upper-tier establishment may request from the Minister of Environment and Water or from an official empowered thereby that part of the information in the documents covered under Paragraph (1) be declared confidential where the said information constitutes a manufacturing or commercial secret.

(5) Where the information covered under Paragraph (1) constitutes a state secret or an official secret or contains any personal data, the provisions of the Classified Information Protection Act or of the Personal Data Protection Act, as the case may be, shall apply.

(6) In the cases referred to in Paragraph (2) or (4), the Minister of Environment and Water or an official empowered thereby shall notify the operator of an upper-tier establishment in writing within five days that the request thereof has been partly or fully granted.

(7) In the cases referred to in Paragraph (6), the operator of an upper-tier establishment shall provide the Minister of Environment and Water or an official empowered thereby with a revised version of the safety report or a revised version of the documents, not including information accepted as confidential, within five days after the notification referred to in Paragraph (6).

(8) In the cases referred to in Paragraph (2), the Minister of Environment and Water or an official empowered thereby shall provide the European Commission annually by the 31st day of January with a list of establishments whereof the request has been partly or fully granted, together with the reasons for the decision.

## Article 110a

(New, SG No. 77/2005)

(1) (Supplemented, SG No. 32/2012, effective 1.01.2013) Within fourteen days after receipt of the documents covered under Article 110 herein, the Minister of Environment and Water or a person empowered thereby shall notify the

operator of an upper-tier establishment of any errors and deficiencies committed in the said documents and shall allow up to one month for the curing of the said errors and deficiencies.

(2) (Amended, SG No. 95/2005, SG No. 82/2006, SG No. 102/2006, SG No. 93/2009, SG No. 32/2012, effective 1.01.2013) Within three days after the expiry of the time limit referred to in Paragraph (1) for inspection of the documents or for curing of the non-conformities and deficiencies as committed, the Minister of Environment and Water or an official empowered thereby shall transmit the documents covered under Article 110 herein for observations to the Minister of Interior, the Executive Director of the General Labour Inspectorate Executive Agency, the mayor of the municipality or to officials empowered thereby and to the Director of the RIEW within whose territory the establishment and/or installation is located.

(3) (Supplemented, SG No. 32/2012, effective 1.01.2013) The Minister of Environment and Water, the authorities covered under Paragraph (2) or persons empowered thereby may conduct on-site inspections for the purpose of assessing the conformity of the documents covered under Article 110 herein with the measures envisaged by the operator of an upper-tier establishment to prevent major accidents and to limit the consequences of such accidents.

(4) The authorities covered under Paragraph (2) shall transmit the observations thereof to the Minister of Environment and Water within two months after receipt of the documents covered under Article 110 herein.

(5) Should any of the authorities covered under Paragraph (2) fail to transmit observations within the statutory time limit, tacit consent shall be presumed.

(6) (Amended, SG No. 32/2012, effective 1.01.2013) Where on the basis of any observations referred to in Paragraph (2) it is ascertained that the operator of an upper-tier establishment did not envisage the requisite measures for the prevention of major accidents and for the limitation of the consequences of such accidents by the documents covered under Article 100 herein, within ten days after the expiry of the time limit referred to in Paragraph (4) the Minister of Environment and Water or an official empowered thereby shall set a time limit for curing the non-conformities and deficiencies as ascertained.

#### Article 111

(Amended, SG No. 77/2005)

(1) Within the time limit referred to in Article 110a (2) herein, the Minister of Environment and Water or a person empowered thereby shall post the documents covered under Article 110 herein on the Internet site of the Ministry of Environment and Water and shall afford public access to the said documents in the course of one month.

(2) Within three days after receipt of the documents covered under Article 110a (2), the mayor of the relevant municipality shall inform the public by means of the local media of mass communication of this fact and shall afford access to the documents for a period of one month.

(3) (Amended, SG No. 103/2009, SG No. 32/2012, effective 1.01.2013) In the cases where a request to declare any information confidential has been granted, the Minister of Environment and Water shall make the documents referred to in Article 110 (7) herein available to the public.

(4) Members of the public may submit reasoned observations in writing to the Minister of Environment and Water not later than the expiry of the one-month time limit referred to in Paragraph (1).

#### Article 112

(Amended, SG No. 77/2005)

The Minister of Environment and Water shall grant the permit referred to in Article 104 (1) herein within one month after expiry of the time limit referred to in Article 110a (4) herein or after receipt of the rectified and complemented documents referred to in Article 110 (6) herein.

#### Article 112a

(New, SG No. 77/2005, amended, SG No. 52/2008, SG No. 32/2012, effective 1.01.2013)

(1) Within seven days after the date of granting of a permit referred to in Article 104 (1) herein, the Minister of Environment and Water or an official empowered thereby shall notify in writing the operator of the upper-tier establishment and the authorities covered under Article 110a (2) herein.

(2) The permit referred to in Article 104 (1) herein shall be made public through the Internet site of the Ministry of Environment and Water and through a national daily newspaper within fourteen days after the date of granting of the said permit.

#### Article 112b

(New, SG No. 77/2005)

(1) By a reasoned decision, the Minister of Environment and Water shall refuse to grant a permit within one month after expiry of the time limit referred to in Article 110a (4) herein or after receipt of the rectified and complemented documents referred to in Article 110a (6) herein where:

1. the operator has not envisaged the requisite measures in the documents covered under Article 110 herein, or the measures envisaged are not sufficient for the prevention of major accidents, or for the limitation of the consequences of such accidents, and/or

2. the operator has failed to submit the documents covered under Articles 108, 110 or Article 110a (6) herein within the appointed time limits.

(2) Within the time limit referred to in Paragraph (1), by a reasoned decision, the Minister of Environment and Water may refuse to grant a permit for construction of a new establishment and/or installation upon receipt of a reasoned objection on grounds of legal conformity against the implementation of the project from any of the authorities covered under Article 110a (2) herein.

(3) Within seven days after the date of granting of the permit referred to in Paragraphs (1) or (2), the Minister of Environment and Water or a person empowered thereby:

1. shall notify in writing the operator and the authorities referred to in Article 110a (2) herein, and

2. (amended, SG No. 52/2008) shall make public the issuance of the decision through the Internet site of the Ministry of Environment and Water and a national daily newspaper.

#### Article 113

(Amended, SG No. 77/2005, SG No. 30/2006, SG No. 32/2012, effective 1.01.2013)

Any permit and any refusal to grant a permit shall be appealable according to the procedure established by the Administrative Procedure Code within fourteen days after being made public under Article 112 (2) or under Item 2 of Article 112b (3) herein.

#### Article 114

(Amended, SG No. 77/2005)

(1) The Minister of Environment and Water shall keep a public register of the permits granted under Article 112 herein and of the refusals referred to in Article 112b (1) and (2) herein.

(2) The form and content of the register shall be determined by the ordinance referred to in Article 104 (6) herein.

#### Article 115

(Amended, SG No. 77/2005, SG No. 32/2012, effective 1.01.2013)

The operator of any establishment classified as a lower-tier establishment or an upper-tier establishment shall be obligated to:

1. take all measures necessary to prevent major accidents involving dangerous substances and to limit the consequences of such accidents for human life and health and for the environment;
2. immediately inform the Minister of Environment and Water or an official empowered thereby and the RIEW Director of each planned substantial change to the establishment and/or the installation.

#### Article 116

(Amended, SG No. 77/2005)

(1) (Amended, SG No. 35/2009, effective 12.05.2009, SG No. 32/2012, effective 1.01.2013) Upon occurrence of a major accident, the operator of an establishment classified as a lower-tier establishment or an upper-tier establishment shall immediately inform the relevant operational communication and information centre and the mayor of the immediately endangered municipality according to the requirements of the Disaster Protection Act .

(2) (Amended, SG No. 103/2009) Upon occurrence of a major accident, immediately after the accident occurs, the operator shall provide the authorities referred to in Paragraph (1) with information regarding:

1. the circumstances of occurrence of the accident;
2. the dangerous substances which have caused the occurrence of the accident or which aggravate the consequences thereof;
3. the data available for assessing the effects of the accident on human life and health and on the environment;
4. the emergency measures taken;
5. the measures envisaged to prevent any recurrence of such an accident;
6. the measures envisaged to limit the consequences of the accident.

(3) The operator shall be obligated to update the information covered under Paragraph (2) and to provide the said information to the authority referred to in Paragraph (1) where justified by new facts related to the causes of occurrence of the accident and the consequences thereof.

#### Article 116a

(New, SG No. 77/2005)

(1) The operator of any upper-tier establishment and/or installation shall supply the public concerned with:

1. information on the safety measures planned and the requisite behaviour and action in the event of an accident;
2. (amended, SG No. 103/2009, SG No. 32/2012, effective 1.01.2013) the safety report referred to in Item 1 of Article 110 (1) herein or the revised documents referred to in Article 110 (7) herein;
3. (amended, SG No. 103/2009, SG No. 32/2012, effective 1.01.2013) a list of the dangerous substances referred to in Article 103 (1) herein, with the exception of such as have been declared confidential information under Article 110 (4) herein, and of the information referred to in Article 110 (6) herein;
4. information regarding the possibility of a domino effect.

(2) (Supplemented, SG No. 32/2012, effective 1.01.2013) The operator of any upper-tier establishment shall furthermore supply the information referred to in Item 1 of Paragraph (1) to the establishments serving the public which are liable to be affected by a major accident.

(3) (Supplemented, SG No. 32/2012, effective 1.01.2013) The operator of any upper-tier establishment shall review and, where necessary, shall update the information referred to in Item 1 of Paragraph (1) every three years, as well as in the cases of substantial changes to the establishment and/or installation.

(4) The information referred to in Item 1 of Paragraph (1) shall be updated every five years.

(5) The minimum requirements to the content of the information referred to in Item 1 of Paragraph (1), as well as the methods of provision of the said information, shall be determined by the ordinance referred to in Article 104 (6) herein.

#### Article 116b

(New, SG No. 77/2005, amended, SG No. 32/2012, effective 1.01.2013)

(1) Where planning changes to an upper-tier establishment, the operator shall submit a notification to the Minister of Environment and Water as soon as practicable but not later than four months prior to the date planned for implementation of the changes.

(2) The form and content of the notification referred to in Paragraph (1) shall be determined by the ordinance referred to in Article 104 (6) herein.

(3) Where planning substantial changes to a lower-tier establishment, the operator of a lower-tier establishment shall review and, where necessary, shall update the report on the major accident prevention policy not later than one month after the implementation of the changes.

(4) Where an update of the documents referred to in Paragraph (3) is not necessary, the operator of a lower-tier establishment shall draw up a memorandum with justification within the time limit referred to in Paragraph (3) and, upon an inspection, shall present the memorandum to the commission referred to in Article 157a herein.

(5) The operator shall submit a new notification according to the procedure and manner established by Article 103 herein, where the establishment will be classified as an upper-tier establishment as a result of changes which have occurred under Paragraph (3), associated with the increase of the quantities of dangerous substances in the establishment.

#### Article 116c

(New, SG No. 77/2005)

(1) (Amended, SG No. 32/2012, effective 1.01.2013) The operator of any upper-tier establishment shall review and, where necessary, shall update the safety report referred to in Item 1 of Article 110 (1) herein:

1. every five years;

2. at the initiative of the operator or at the request of the Minister of Environment and Water or of an official empowered thereby, where justified by new facts or to take account of new technical knowledge about the safe operation of the establishment and/or installation.

(2) (Amended and supplemented, SG No. 103/2009, amended, SG No. 32/2012, effective 1.01.2013) The operator of any upper-tier establishment shall check, review and, where necessary, shall update the emergency plan referred to in Item 2 of Article 110 (1) herein:

1. at appropriate intervals not exceeding three years;

2. at the initiative of the operator or at the request of the Minister of Environment and Water or of an official

empowered thereby, where justified by new facts or to take account of new technical knowledge about the safety measures at the establishment and/or installation.

(3) (Amended, SG No. 32/2012, effective 1.01.2013) Where the operator of an upper-tier establishment updates the documents referred to in Paragraph (1) and/or (2), the operator shall notify the Minister of Environment and Water as soon as practicable but not later than one month after the update.

(4) (New, SG No. 32/2012, effective 1.01.2013) The operator of an upper tier establishment shall enclose with the notification referred to in Paragraph (3) the updated documents referred to in Paragraph (1) and/or (2).

(5) (New, SG No. 32/2012, effective 1.01.2013) Where an update of the documents referred to in Paragraph (1) and/or (2) is not necessary, the operator of an upper-tier establishment shall document the data and circumstances within one month after the time limits referred to in Paragraph (1) and/or (2) and, upon an inspection, shall present the said documents to the commission referred to in Article 157a herein.

(6) (Renumbered from Paragraph (4) and amended, SG No. 32/2012, effective 1.01.2013) The form and content of the notification referred to in Paragraph (3) shall be determined by the ordinance referred to in Article 104 (6) herein.

#### Article 116d

(New, SG No. 77/2005, amended, SG No. 32/2012, effective 1.01.2013)

(1) In the cases referred to in Article 116b (1) and Article 116c (3) herein, the Minister of Environment and Water shall evaluate the need of a reconsideration and subsequent modification of the permit granted under Article 104 herein and shall notify the operator of an upper-tier establishment.

(2) In the cases referred to in Paragraph (1), where a reconsideration and subsequent modification of the permit referred to in Article 104 herein are needed, the operator of an upper-tier establishment shall submit an application for a reconsideration and subsequent modification of the permit referred to in Article 104 herein to the Minister of Environment and Water or an official empowered thereby.

(3) The operator of an upper-tier establishment shall enclose the updated documents referred to in Article 116c (1) and/or (2) herein with the application referred to in Paragraph (2).

(4) The form and content of the application referred to in Paragraph (2) and the documents referred to in Paragraph (3) shall be determined by the ordinance referred to in Article 104 (6) herein.

(5) The Minister of Environment and Water or an official empowered thereby shall reconsider the permit as granted according to the procedure established by Articles 110a and 111 herein.

#### Article 116e

(New, SG No. 77/2005, amended, SG No. 32/2012, effective 1.01.2013)

(1) In the cases referred to in Article 116d herein, the Minister of Environment and Water or an official empowered thereby shall make a decision modifying or leaving in effect the permit as granted within one month after expiry of the time limit referred to in Article 110a (4) herein or after receipt of the rectified and complemented documents under Article 110a (6) herein.

(2) Within seven days after the date of issuance of the decision referred to in Paragraph (1), the Minister of Environment and Water or a person empowered thereby shall notify in writing the operator and the authorities covered under Article 110a (2) herein.

(3) The decision referred to in Paragraph (1) shall be made public through a national daily newspaper within fourteen days after the date of issuance of the said decision.

#### Article 116f



(New, SG No. 77/2005)

(1) By a reasoned decision, the Minister of Environment and Water may refuse to permit the implementation of the change referred to in Article 116b herein within the time limit referred to in Article 116c (1) herein where:

1. the operator has not envisaged the requisite measures in the documents covered under Article 116b and Article 116c herein, or the measures envisaged are not sufficient for the prevention of major accidents, or for the limitation of the consequences of such accidents, and/or

2. any of the authorities covered under Article 110a (2) herein has lodged a reasoned objection on grounds of legal conformity against the implementation of the modification referred to in Article 116b herein.

(2) (Amended, SG No. 32/2012, effective 1.01.2013) Within seven days after the date of issuance of the decision referred to in Paragraph (1), the Minister of Environment and Water or a person empowered thereby shall notify in writing the operator and the authorities covered under Article 110a (2) herein.

(3) (New, SG No. 32/2012, effective 1.01.2013) The decision referred to in Paragraph (1) shall be made public through a national daily newspaper within fourteen days after the date of issuance of the said decision.

#### Article 116g

(New, SG No. 77/2005, amended, SG No. 30/2006, SG No. 32/2012, effective 1.01.2013)

Any decision referred to in Article 116e (1) and in Article 116f (1) herein shall be appealable according to the procedure established by the Administrative Procedure Code within fourteen days after any such decision is made public under Article 116e (2) and (3) and Article 116f (2) and (3) herein.

#### Article 116h

(New, SG No. 77/2005)

(1) (Amended, SG No. 32/2012, effective 1.01.2013) Where, on the basis of the documents covered under Article 107 (2) and Article 110 (1) herein, the Minister of Environment and Water identifies any establishments and/or installations or any group of establishments and/or installations posing a risk of a domino effect, the said Minister shall notify the operators of the said establishments and/or installations.

(2) In the cases referred to in Paragraph (1), the operators shall be obligated:

1. to exchange information enabling them to take account of the nature and extent of the hazard of a major accident in the establishments and/or installations;

2. (amended, SG No. 32/2012, effective 1.01.2013) to update the documents covered under Article 107 (2) and Article 110 (1) herein with the information referred to in Item 1.

(3) (Amended, SG No. 103/2009) In the cases referred to in Paragraph (1), the operators shall cooperate in:

1. supplying the information covered under Article 116a herein to the public;

2. supplying information required for the preparation of an external emergency plan.

#### Article 116i

(New, SG No. 77/2005, amended, SG No. 32/2012, effective 1.01.2013)

(1) The Minister of Environment and Water shall be a competent authority within the meaning given by Council Directive 96/82/EC of 9 December 1996 on the control of major accident hazards involving dangerous substances.

(2) The Minister of Environment and Water shall notify the potentially affected countries of the risk of a major accident with transboundary effects occurring in an upper-tier establishment in accordance with the requirements of the Convention on the Transboundary Effects of Industrial Accidents, signed at Helsinki on 17 March 1992 (ratified by an Act [promulgated in the] State Gazette No. 28 of 1995).

(3) The Minister of Environment and Water, the Minister of Labour and Social Policy and the Minister of Interior, each acting within the framework of the competence thereof, shall issue joint directions for the exercise of control over compliance with this Section and the statutory instruments of secondary legislation on the application thereof.

## **Section II**

### **Integrated Permits**

#### **Article 117**

(1) The construction and operation of new installations and facilities for industrial activities of the categories listed in Annex 4 hereto, and the operation of existing installations and facilities of the said categories shall be admitted after granting of an integrated permit according to the provisions of this Chapter.

(2) (Amended, SG No. 77/2005) The requirement referred to in Paragraph (1) shall furthermore apply to any substantial change to existing installations and facilities.

(3) (Repealed, SG No. 32/2012, effective 7.01.2014).

(4) In the event of change of the operator, the new operator, whether a natural or legal person, shall assume the rights and obligations according to the permit.

(5) (Amended, SG No. 77/2005, repealed, SG No. 32/2012, effective 7.01.2014).

(6) (New, SG No. 77/2005, repealed, SG No. 32/2012, effective 7.01.2014).

(7) (Renumbered from Paragraph (6), SG No. 77/2005) No installations or parts of installations used for scientific research, development and testing of new products and processes shall be subject to the provisions of this Chapter.

#### **Article 118**

(1) (Redesignated from Article 118, SG No. 105/2008) An integrated permit referred to in Article 117 herein shall be a mandatory condition for the granting of a building permit.

(2) (New, SG No. 105/2008) An exception under Paragraph (1) shall be admitted in respect of any installations and facilities for which an EIA procedure has been completed with a decision confirming the application of the best available techniques, in accordance with Article 99a herein.

(3) (New, SG No. 105/2008, amended, SG No. 32/2012, effective 7.01.2014) In the cases referred to in Paragraph (2):

1. the integrated permit shall be a mandatory condition for the commissioning of the installations and facilities;

2. until the granting of an integrated permit, the requirements for the issuance and obtaining of permits, licences, expert opinions and assessments according to the effective legislation shall apply.

(4) (New, SG No. 32/2012, effective 7.01.2014) In the cases referred to in Paragraph (1) and applicable to existing installations, the submission of an application for the granting of an integrated permit or the existence of an integrated permit shall waive the requirements for the issuance and obtaining of the following authorizations, permits, licences, expert opinions and assessments:

1. (amended, SG No. 53/2012, effective 13.07.2012) under Article 67 in conjunction with Article 35 of the Waste Management Act;

2. under Item 1 (e) and Item 3 of Article 46 (1) of the Water Act.

#### Article 119

(1) The terms and a procedure for the granting of an integrated permit referred to in Article 117 herein shall be established by an ordinance of the Council of Ministers.

(2) The ordinance referred to in Paragraph (1) shall furthermore establish relevant requirements for:

1. the content and the form of the applications for granting of integrated permits;

2. the procedure and manner for determination of the best available techniques (BAT);

3. (amended, SG No. 77/2005, SG No. 46/2010, effective 18.06.2010) the procedure and manner for reconsideration, modification, updating and revocation of any integrated permits as granted;

4. the procedure and manner for reporting harmful substance emissions;

5. (amended, SG No. 32/2012, effective 7.01.2014) the content of the monitoring referred to in Items 4 and 7 of Article 123 (1) herein, including the monitoring procedures and the obligation to provide relevant information to the authorities responsible for enforcement of compliance under Article 120 (5) herein.

#### Article 120

(1) (Supplemented, SG No. 77/2005, amended, SG No. 46/2010, effective 18.06.2010, SG No. 42/2011, supplemented, SG No. 32/2012, effective 7.01.2014) The Executive Director of the Executive Environment Agency shall be the authority competent to grant, refuse, reconsider, modify, update and revoke any permits referred to in Article 117 (1) and (2) herein.

(2) (Supplemented, SG No. 77/2005, amended, SG No. 46/2010, effective 18.06.2010, SG No. 32/2012, effective 7.01.2014) The competent authority referred to in Paragraph (1) shall ensure the use of any information received and conclusion reached in EIA upon the granting of an integrated permit for a new installation or upon modification in an existing installation, where to the requirements of Section III of Chapter Six herein apply.

(3) (Amended, SG No. 32/2012, effective 7.01.2014) The Ministry of Environment and Water shall follow developments in BAT, as well as the publication of any new or updated BAT conclusions, and shall make that information available to the public concerned and to the competent authority referred to in Paragraph (1).

(4) (Amended, SG No. 77/2005, SG No. 32/2012, effective 7.01.2014) The Minister of Environment and Water shall propose measures for encouragement of the development and application of emerging techniques, in particular for those emerging techniques described in BAT reference documents, where this is necessary for the environmental objectives.

(5) (Amended, SG No. 32/2012, effective 7.01.2014) Control over compliance with the conditions specified in any permit granted under Article 117 herein shall be exercised by the competent RIEW.

#### Article 121

(Amended, SG No. 32/2012, effective 7.01.2014)

During the operation of the installations and facilities, the operator shall oversee:

1. the implementation of all appropriate preventive measures against pollution, in particular through application of BAT;

2. the implementation of systematic environmental management;

3. the prevention of environmental pollution according to the emission limit values and the environmental quality values/standards;

4. waste prevention; treatment of waste produced in the following order of priority: preparing for reuse, recycling, recovery or, in the cases where this is technically or economically impossible, safe disposal, while avoiding or reducing the impact thereof on the environment;

5. the efficient use of energy;

6. the implementation of necessary measures to prevent industrial accidents and limit the consequences thereof;

7. the undertaking of necessary measures to avoid any possible pollution risks;

8. upon definitive cessation of the activities listed in Annex 4 hereto, the operator:

(a) shall assess the state of soil and groundwater contamination by hazardous substances used, produced or released by the installation;

(b) where the installation has caused significant pollution of soil or groundwater by any hazardous substances referred to in Littera (a) compared to the state established in the baseline report, undertake the necessary measures to eliminate the pollution so as to return the soil and/or groundwater to the baseline state;

(c) upon implementation of the measures referred to in Littera (b), take into account the technical feasibility of such measures;

(d) in case of a significant risk to human health and the environment posed by any activities listed in Annex 4 hereto, according to the baseline report referred to in Item 12 of Article 122 (2) herein, take action for the removal, control, containment or reduction of the hazardous substances so that the site, taking into account the conditions thereof according to Item 4 of Article 122 (2) herein and the current and approved future use thereof, ceases to pose such a risk;

(e) implement the actions referred to in Littera (d) even where preparation of a baseline report is not required therefrom.

## Article 122

(1) For the purpose of obtaining an integrated permit, the installation and facility operator shall submit an application to the relevant competent authority.

(2) (Amended and supplemented, SG No. 77/2005, amended, SG No. 32/2012, effective 7.01.2014) The application referred to in Paragraph (1) shall include a description of:

1. the installation and the activities which are carried out or are to be carried out therein, the various modes of operation thereof, including a description of the main alternative to the proposed technology, techniques and measures, if any

2. the raw materials, prime materials and substances used (including auxiliary ones);

3. the water used and the energy used in/or generated by the facility

4. the conditions of the site on which the installation is located;

5. the sources of emissions; the nature and quantities of foreseeable emissions from the installation into each medium covered under Article 4 herein and by factor covered under Article 5 herein, as well as identification of possible significant effects of the said emissions on the environment;

6. proof of implementation of BAT, including:

- (a) circumstances covered under Article 123a (3) herein;
- (b) circumstances referred to in Article 123a (5) herein;
- (c) of existence of the circumstances covered under Article 123 (4) or (5) herein.

7. the proposed technology and other techniques for preventing or, where this is not possible, reducing emissions from the installation;

8. measures for the prevention, preparation for re-use, recycling, recovery and/or safe disposal of waste generated by the installation;

9. further measures planned to comply with the general principles of the basic obligations of the operator as provided for in Article 121 herein;

10. monitoring of harmful substance emissions into the environment;

11. the hazardous chemical substances, soil and groundwater pollutants used, produced or released; results of a systematic appraisal of the risk of soil and/or groundwater contamination, in case a frequency of the monitoring other than the frequency specified in Item 7 of Article 123 (1) herein is proposed;

12. a baseline report, in case of presence of the substances referred to in Item 11, containing information:

(a) taking into account the possibility of soil and groundwater contamination of the site of the installation;

(b) sufficient so as to make a quantified comparison of the current soil and groundwater contamination with the soil and groundwater contamination upon definitive cessation of activities;

(c) on the present use and the past uses of the site;

(d) on soil and groundwater measurements conducted, including new such measurements, reflecting the state at the time the report is drawn up, having regard to the possibility of soil and groundwater contamination by the hazardous substances to be used, produced or released by the installation concerned;

(e) any other information satisfying the requirements of Litterae (a) to (d).

(3) Any application for the granting of an integrated permit shall furthermore include a non-technical summary of the details covered under Paragraph (2).

(4) (New, SG No. 32/2012, effective 7.01.2014) In the cases of a substantial change:

1. the application for the granting of an integrated permit shall contain information on the parts of the installation which undergoes the change; the information shall be provided within the scope covered under Paragraph (2);

2. the decision of the competent authority under Article 120 (1) herein shall reflect the proposed change in the operation of the installation.

(5) (New, SG No. 32/2012, effective 7.01.2014) Upon preparation of the application, the operator may use information made available by the competent authority in implementation of the provisions of Chapter Six and of Section I of this Chapter.

(6) (New, SG No. 32/2012, effective 7.01.2014) A baseline report referred to in Item 12 of Paragraph (2) shall be drawn up solely upon granting or updating an integrated permit for a site for which such a report has not been drawn up.

(1) (Amended, SG No. 32/2012, effective 7.01.2014) Within forty-five days after submission of the application, the competent authority referred to in Article 120 (1) herein shall verify whether the content and form of the said application conform to the requirements of the ordinance referred to in Article 119 (1) herein and, where necessary, shall conduct an on-site inspection.

(2) (Amended, SG No. 32/2012, effective 7.01.2014) Upon ascertainment of any deficiencies and non-conformities within the time limit referred to in Paragraph (1), the competent authority referred to in Article 120 (1) herein shall notify the operator referred to in Article 122 (1) herein in writing, giving directions as to the necessary corrections and additional information and stating the grounds for this.

(3) (Supplemented, SG No. 32/2012, effective 7.01.2014) In the cases referred to in Paragraph (2), the operator referred to in Article 122 (1) herein shall submit the additional application within one month after the notification.

(4) (Amended, SG No. 32/2012, effective 7.01.2014) In case the directions referred to in Paragraph (2) or the time limit referred to in Paragraph (3) are not complied with, the competent authority referred to in Article 120 (1) herein shall make a decision terminating the consideration of the application for the granting of an integrated permit.

(5) (Amended, SG No. 32/2012, effective 7.01.2014) Within fourteen days after completion of the verifications referred to in Paragraph (1) or the re-submission of the application referred to in Paragraph (3), the competent authority referred to in Article 120 (1) herein shall commence a procedure for the granting of an integrated permit, of which the said authority shall notify the operator in writing, and, acting jointly with the municipalities, shall make public and afford the persons concerned equal access, in the course of one month, to the application, including the persons concerned in the State affected by the operation of the installation in conditions of transboundary impact.

(6) (Amended, SG No. 32/2012, effective 7.01.2014) Within forty-five days after the expiry of the time limit referred to in Paragraph (5), the competent authority referred to in Article 120 (1) herein shall prepare and consult with the competent RIEW and/or Basin Directorate a draft of an integrated permit and shall notify the operator referred to in Article 122 (1) herein in writing.

(7) (Amended, SG No. 32/2012, effective 7.01.2014) Within one month of the notification referred to in Paragraph (6), the competent authority referred to in Article 120 (1) herein shall hold the requisite consultations with the operator and, where necessary, shall update the draft of the integrated permit.

(8) (Amended, SG No. 32/2012, effective 7.01.2014) Within fourteen days of expiry of the time limit referred to in Paragraph (7), the competent authority referred to in Article 120 (1) herein shall grant an integrated permit or shall refuse to grant such a permit, stating the reasons for the refusal.

## Article 123

(Amended and supplemented, SG No. 77/2005, amended, SG No. 105/2008, SG No. 32/2012, effective 7.01.2014)

(1) Any integrated permit referred to in Article 117 herein shall contain:

1. the emission limit values for the substances listed in Annex 8 hereto and for other substances which are likely to be emitted from the installation concerned in significant quantities:

(a) the emission limit values shall be determined having regard to the nature and potential of the substances to transfer pollution from one environmental medium to another;

(b) the emission limit values may be supplemented or replaced by equivalent parameters or technical measures ensuring an equivalent level of environmental protection;

2. the applicable conditions for protection of the soil and groundwater;

3. the applicable conditions for monitoring and management of waste generated by the installation;

4. the relevant emission monitoring conditions:

(a) specifying the testing methodology, the minimum frequency and the evaluation procedure;

(b) where the requirements of Item 2 of Article 123a (1) herein are applied, proving that the results of emission monitoring are available for the same periods of time and reference conditions as for the emission levels specified in BAT conclusions adopted by a decision of the European Commission;

(c) based on the BAT conclusions adopted by a decision of the European Commission, unless in conflict with the national statutory framework regulating the environment;

5. the conditions for supplying the control authority, at least annually, with:

(a) information on the results of emission monitoring referred to in Item 4 and other data necessary for the control authority to verify compliance with the permit conditions;

(b) where Item 2 of Article 123a (1) herein is applied, a summary of the results of emission monitoring sufficient for a comparison with the emission levels as laid down in the BAT conclusions adopted by a decision of the European Commission;

6. the conditions ensuring implementation of the measures referred to in Item 2 and monitoring the results of the application thereof;

7. the relevant conditions for periodic monitoring of soil and groundwater in relation to relevant hazardous substances likely to be found on the site, as well as having regard to the possibility of soil and groundwater contamination at the site on which the installation is located; the monitoring shall be carried out at least once five years for groundwater and the years for soil; another frequency may be justified by the operator on the basis of a systematic appraisal of the risk of contamination;

8. the conditions for taking actions: upon deviation from normal operating conditions, including start-up and shut-down of the installation, leaks of fluids or gases, malfunctions or accidents, sudden stoppages and definitive cessation of operations;

9. the conditions for the minimisation of long-distance or transboundary pollution;

10. the conditions for assessing compliance with the emission limit values referred to in Item 1 or with other conditions for emission control;

11. the conditions for implementation of Item 8 of Article 121 herein;

12. the conditions for implementation of Article 123a (5) herein: if necessary;

13. the conditions for implementation of Article 125 (2) and (3).

(2) The competent authority referred to in Article 120 (1) herein shall set the permit conditions with reference to the BAT conclusions.

(3) Where necessary, the competent authority shall set stricter values for the parameters describing the technique applied than those described in the BAT conclusions.

(4) The competent authority referred to in Article 120 (1) herein shall set permit conditions on the basis of BAT determined according to the criteria under the ordinance referred to in Article 119 herein after prior consultations with the operator in the cases where:

1. an activity or a type of production process carried out within the installation is not covered by any of the BAT conclusions, or

2. the applicable conclusions do not address all the potential environmental effects of the said activity or process.

(5) The competent authority referred to in Article 120 (1) may set the permit conditions on the basis of a BAT which is not described in any applicable BAT conclusion in case:

1. the technique is determined in accordance with the criteria for BAT under the ordinance referred to in Article 119 herein;

2. the requirements of Paragraphs (7), (8) and (9) and Article 123a (1), (3), (4) and (5) herein are complied with;

3. the integrated permit conditions ensure a level of environmental protection equivalent to the level achieved by means of the BAT described in BAT conclusions: in the cases where the BAT conclusions do not contain emission levels.

(6) Upon setting integrated permit conditions for an activity falling within the scope of Point 6.6 of Annex 4 hereto, the competent authority shall furthermore apply the provisions of the statutory framework relating to animal welfare.

(7) The emission limit values shall apply to emissions of harmful and hazardous substances at the points where the emissions leave the installation, and any dilution prior to that point must be disregarded when determining those values.

(8) When determining the emission values for the release of wastewater into sewerage, the existence of a wastewater treatment plant shall be taken into account in case the effect of the said plant guarantees an equivalent level of protection of the environment as a whole and this does not lead to higher levels of pollutants in the environment.

(9) The values and the measures referred to in Item 1 of Paragraph (1) for installations and facilities listed in Annex 4 hereto shall be based on the application of BAT without prescribing the use of a specific technique or technology.

(10) The values referred to in Item 1 of Paragraph (1) may not be higher than the legally established emission limit values.

(11) Where necessary, the competent authority referred to in Article 120 (1) herein may include in the permit additional stricter measures for conformity with environmental quality values/standards than those achievable by the use of BAT, without prejudice to measures which may be taken to comply with other measures designed to achieve conformity with environmental quality values/standards.

(12) The integrated permit shall not include emission limit values for greenhouse gases, unless this is necessary to ensure that ambient air quality will not be impaired.

#### Article 123a

(New, SG No. 32/2012, effective 7.01.2014)

(1) Under normal operating conditions, the emission values referred to in Item 1 of Article 123 (1) herein:

1. shall not exceed the emission levels as laid down in the BAT conclusions adopted by a decision of the European Commission; those emission values shall be expressed for the same or shorter periods of time and under the same reference conditions as the emission levels laid down in the decisions, or

2. shall differ from the levels referred to in Item 1 but shall ensure compliance of the emissions with the emission levels as laid down in the BAT conclusions adopted by a decision of the European Commission.

(2) Compliance with Item 2 of Paragraph (1) shall be guaranteed by conducting emission monitoring and evaluation of the results by the control authority at least annually.

(3) Paragraph (1) shall not apply in case the costs of the application thereof cannot be justified by environmental benefits due to:



1. the geographical location of the installation;
2. the environmental conditions in the area of the site;
3. the technical characteristics of the installation.

(4) In the cases referred to in Paragraph (3), the emission values must not lead to significant environmental pollution and must ensure a high level of protection of the environment.

(5) The competent authority referred to in Article 120 (1) herein may waive the application of the provisions of Paragraphs (1) and (2), Item 1 of Article 121 and Article 123 (9) herein for the testing and use of emerging techniques for a total period of time not exceeding nine months. After expiry of the period specified in the permit, either application of the technique shall be stopped or the emissions from the activity shall be brought into conformity with the emission levels according to the specific BAT.

#### Article 123b

(New, SG No. 32/2012, effective 7.01.2014)

(1) Simultaneously with the drafting of an integrated permit, the competent authority referred to in Article 120 (1) herein shall prepare a technical assessment, justifying therein the applicable integrated permit conditions. The technical assessment shall contain:

1. the reasons on which the decision is based;
2. the results of the consultations held before the decision was taken and an explanation of how they were taken into account;
3. the title of the BAT reference documents and conclusions relevant to the installation or activity concerned;
4. the reasons for determining the permit conditions, including the emission limit values, in relation to the BAT and the emission levels associated with the BAT;
5. upon application of Article 123a (3) herein, the specific reasons for that application based on the criteria laid down and the conditions imposed in the same provision.

(2) In the cases covered under Article 123 (4) and (5) herein, in the technical assessment the competent authority referred to in Article 120 (1) herein shall describe the evidence furnished of the applicability of the said cases.

(3) In the cases covered under Article 123a (3) herein, in the technical assessment the competent authority referred to in Article 120 (1) herein shall describe the evidence furnished of the applicability of the said cases.

#### Article 124

(Amended and supplemented, SG No. 77/2005, amended, SG No. 50/2008, amended and supplemented, SG No. 105/2008, supplemented, SG No. 46/2010, effective 18.06.2010, amended, SG No. 46/2011, SG No. 32/2012, effective 7.01.2014)

(1) Any integrated permit referred to in Article 117 herein shall have an indefinite term of validity except in the cases where the statutory framework regulating the environment provides for specific deadlines for cessation of operations of the installations.

(2) The competent authority referred to in Article 120 (1) herein shall reconsider the permit where

1. owing to a significant environmental pollution caused by the installation, the emission restrictions as set in the permit must be altered or new emission restrictions must be included in the permit conditions;

2. the operator has planned any changes in the operation of the installation;
3. the facility is not covered by any of the BAT conclusions but developments in the BAT allow for significant reduction of emissions;
4. a change has occurred in the operational safety requirements for the installation, requiring other techniques to be used;
5. changes have occurred in the statutory framework regulating the environment;
6. a BAT conclusion, adopted by a decision of the European Commission, relating to the main activity of an installation, has been published.

(3) Upon a reconsideration of any permit under Paragraph (2), the competent authority shall evaluate the need of a modification of the permit conditions (in the cases referred to in Item 1 of Paragraph (2) or of the updating of the said permit (in the cases referred to in Item 2 of Paragraph (2)).

(4) In the cases where the operator ceases any activity listed in Annex 4 hereto or part thereof, as a result of which any installation within the scope of the said Annex for which the granting of an integrated permit is required is no longer present on the site for which the integrated permit has been granted, the competent authority referred to in Article 120 (1) herein shall revoke the decision to grant an integrated permit.

(5) The reconsideration under Item 6 of Paragraph (2) and the subsequent updating:

1. shall be done within four years after publication of the decision of the European Commission;
2. shall ensure compliance with the requirements of this Chapter;
3. shall take into account all new or updated BAT conclusions, adopted by a decision of the European Commission since the permit was granted or last updated and which are applicable to the installation.

(6) The updated permit conditions relating to Item 6 of Paragraph (2) shall be implemented by the operator within four years after the publication of the decision of the European Commission.

(7) Upon reconsideration, the competent authority shall use any available information, including such resulting from self-monitoring or control as conducted.

(8) Upon updating, when Article 123a (3) herein is applied, or upon modification in connection with Item 1 of Paragraph (2) of an integrated permit, the competent authority shall afford the persons concerned access to the draft update or modification, as the case may be, according to the procedure established by Article 122a (5) herein.

## Article 125

(Amended, SG No. 52/2008, amended and supplemented, SG No. 105/2008, amended, SG No. 46/2010, effective 18.06.2010, SG No. 42/2011, SG No. 32/2012, effective 7.01.2014)

(1) The installation operator shall be obligated to:

1. inform the Minister of Environment and Water and the competent authority referred to in Article 120 (1) herein of any planned change in the functioning of the installation;
2. comply with the integrated permit conditions;
3. prepare and implement a co-ordinated self-monitoring plan in accordance with the integrated permit conditions;
4. regularly inform the control authority of the monitoring results and immediately inform the said authority of any incident or accident causing a significant adverse impact on the environment;

5. provide conditions to the representatives of the control authority upon all necessary inspections of the installation for taking samples and collecting information needed for the performance of the duties of the said representatives under this Act;

6. prepare and provide to the control authority an annual report on implementation of the activities for which an integrated permit has been granted.),

(2) In the event of a breach of the permit conditions, the operator:

1. shall immediately inform the control authority;

2. shall immediately take the measures necessary to ensure that compliance is restored within the shortest possible time;

3. shall comply with any complementary measures to restore compliance as required by the control authority;

4. shall suspend the operation of the installation until compliance is restored in the cases where the breach poses an immediate danger to human health or threatens to cause an immediate significant adverse effect upon the environment.

(3) Upon occurrence of any incident or accident significantly affecting the environment, the operator shall take the actions covered under Paragraph (2) in order to limit the consequences and to prevent further possible incidents or accidents.

#### Article 125a

(New, SG No. 52/2008, repealed, SG No. 42/2011).

#### Article 126

(Repealed, SG No. 105/2008, new, SG No. 32/2012, effective 7.01.2014)

(1) Within one month after the receipt of the information referred to in Item 1 of Article 125 (1) herein, the Minister of Environment and Water shall evaluate the existence of a substantial change and shall notify the operator of the need of the granting of a new permit in accordance with Article 117 (2) herein.

(2) In the cases covered under Article 124 (2) herein, the Minister of Environment and Water shall require from the operator to provide the competent authority referred to in Article 120 (1) herein within the time limit referred to in Paragraph (1) with the necessary information and shall determine the scope of the said information, including:

1. a description of the change;

2. results of the self-monitoring of the emissions;

3. a baseline report according to Item 12 of Article 122 (2) herein;

4. proof of application of BAT, including a comparison between the technique chosen and the applicable BAT conclusions, including the emission levels laid down thereby;

5. proof of the existence of circumstances referred to in Article 123a (3) herein, in case the operator does not plan application of Article 123a (1) herein.

(3) Within one month after the provision of information under Paragraph (2), the competent authority referred to in Article 120 (1) herein shall reconsider the integrated permit and shall determine the need of an updating of the said permit.

(4) Within one month after completing the reconsideration referred to in Paragraph (3), the competent authority referred to in Article 120 (1) herein shall update the integrated permit where necessary.

## Article 127

(1) (Supplemented, SG No. 77/2005, amended, SG No. 52/2008, repealed, renumbered from Paragraph (2) and supplemented, SG No. 105/2008, amended SG No. 46/2010, effective 18.06.2010, supplemented, SG No. 32/2012, effective 7.01.2014) The decision to grant, refuse to grant, modify, update or revoke an integrated permit shall be made public by the competent authority referred to in Article 120 (1) herein through the mass communication media within fourteen days after the date of granting of the said permit, and shall be simultaneously transmitted to the States affected by the operation of the facility in case of transboundary flux. The applicant shall likewise be notified in writing within the same time limit.

(2) (Amended, SG No. 30/2006, renumbered from Paragraph (3) and amended, SG No. 105/2008) The persons concerned may appeal any such decision according to the procedure established by the Administrative Procedure Code within fourteen days after the said decision is made public under Paragraph (1).

## Article 128

(Repealed, SG No. 32/2012, effective 7.01.2012).

## Article 129

(1) (Amended, SG No. 77/2005, redesignated from Article 129, supplemented, SG No. 42/2011) The Minister of Environment and Water shall keep a public register containing data on the results of the granting, refusal to grant, revocation, reconsideration, modification and updating of integrated permits.

(2) (New, SG No. 32/2012, effective 7.01.2014) The register referred to in Paragraph (1) shall contain:

1. a copy of the decision;
2. a copy of the permit;
3. an up-to-date technical assessment;
4. data regarding the entry into effect of the decision;
5. information on the measures undertaken by the operator under Item 8 of Article 121 herein.

(3) (New, SG No. 42/2011, renumbered from Paragraph (2) and amended, SG No. 32/2012, effective 7.01.2014) The data covered under Items 1 to 4 of Paragraph (2) shall be provided by the competent authority referred to in Article 120 (1) herein.

(4) (New, SG No. 32/2012, effective 7.01.2014) The Executive Environment Agency shall keep a public register on the Internet site thereof of the results of the emission monitoring as provided for in the integrated permits.

(5) (New, SG No. 32/2012, effective 7.01.2014) The control authorities referred to in Article 120 (5) herein shall provide the information covered under Paragraph (4) to the Executive Environment Agency on an electronic storage medium.

## Article 130

(Amended, SG No. 52/2008, repealed, SG No. 32/2012, effective 7.01.2014).

## Article 131

(Repealed, SG No. 32/2012, effective 7.01.2014).

# **Section III**

## **Schemes for Improvement of Environmental Protection Results**

### **(Heading amended, SG No. 77/2005, SG No. 52/2008)**

#### Article 131a

(New, SG No. 77/2005, supplemented, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

#### Article 131b

(New, SG No. 77/2005, amended, SG No. 46/2010, effective 18.06.2010, amended and supplemented, SG No. 42/2011, repealed, SG No. 22/2014, effective 11.03.2014).

#### Article 131c

(New, SG No. 77/2005, supplemented, SG No. 65/2006, amended, SG No. 46/2010, effective 18.06.2010, amended and supplemented, SG No. 42/2011, SG No. 32/2012, effective 24.04.2012, repealed, SG No. 22/2014, effective 11.03.2014).

#### Article 131d

(New, SG No. 77/2005, amended, SG No. 42/2011, repealed, SG No. 22/2014, effective 11.03.2014).

#### Article 131e

(New, SG No. 77/2005, supplemented, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

#### Article 131f

(New, SG No. 77/2005, supplemented, SG No. 46/2010, effective 18.06.2010, SG No. 42/2011, repealed, SG No. 22/2014, effective 11.03.2014).

#### Article 131g

(New, SG No. 77/2005, amended, SG No. 46/2010, effective 18.06.2010, amended and supplemented, SG No. 42/2011, repealed, SG No. 22/2014, effective 11.03.2014).

#### Article 131h

(New, SG No. 77/2005, supplemented, SG No. 99/2006, amended and supplemented, SG No. 46/2010, effective 18.06.2010, amended, SG No. 42/2011, repealed, SG No. 22/2014, effective 11.03.2014).

#### Article 131i

(New, SG No. 77/2005, amended and supplemented, SG No. 46/2010, effective 18.06.2010, supplemented, SG No. 42/2011, repealed, SG No. 22/2014, effective 11.03.2014).

#### Article 131j

(New, SG No. 77/2005, supplemented, SG No. 99/2006, amended, SG No. 42/2011, repealed, SG No. 22/2014, effective 11.03.2014).

#### Article 131k

(New, SG No. 77/2005, amended, SG No. 46/2010, effective 18.06.2010)

The Council of Ministers shall issue ordinances establishing:

1. (repealed, SG No. 22/2014, effective 11.03.2014);

2. (repealed, SG No. 22/2014, effective 11.03.2014);

3. (repealed, SG No. 22/2014, effective 11.03.2014);

4. (repealed, SG No. 42/2011);

5. (amended, SG No. 22/2014, effective 11.03.2014) the procedure and manner for organizing the national inventories for harmful substances in ambient air according to the requirements of the Convention on Long-range Transboundary Air Pollution, done at Geneva on 13 November 1979 (ratified by decree, State Gazette No. 16 of 1981) ([Convention promulgated in] State Gazette No. 45 of 2003).

#### Article 131l

(New, SG No. 99/2006, amended, SG No. 42/2011, SG No. 32/2012, effective 24.04.2012, supplemented, SG No. 53/2012, effective 13.07.2012, repealed, SG No. 22/2014, effective 11.03.2014).

#### Article 131m

(New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

#### Article 131n

(New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

#### Article 131o

(New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

#### Article 131p

(New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

#### Article 131q

(New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

#### Article 131r

(New, SG No. 42/2011, repealed, SG No. 22/2014, effective 11.03.2014).

#### Article 131s

(New, SG No. 42/2011, repealed, SG No. 22/2014, effective 11.03.2014).

#### Article 131t

(New, SG No. 42/2011, repealed, SG No. 22/2014, effective 11.03.2014).

#### Article 132

(1) Organizations may assume voluntary commitments with regard to environmental protection in:

1. implementation of the activities thereof;
2. development, production, offering and use of products of the activities thereof.

(2) (Amended, SG No. 52/2008, SG No. 32/2012, effective 24.04.2012) The voluntary commitments referred to in Paragraph (1) shall be implemented by means of:

1. the Community eco-management and audit scheme pursuant to Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC (OJ L/342/1 of 22 December 2009), hereinafter referred to as "Regulation (EC) No 1221/2009";

2. the EU Ecolabel scheme pursuant to Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (OJ L 27/1 of 30 January 2010), hereinafter referred to as "Regulation (EC) No 66/2010".

(3) (Repealed, SG No. 52/2008).

#### Article 133

(Amended, SG No. 52/2008, SG No. 32/2012, effective 24.04.2012)

(1) Each organisation may apply for registration pursuant to Chapter II of Regulation (EC) No 1221/2009.

(2) The organisations shall pay fees for registration pursuant to Regulation (EC) No 1221/2009 under a rate schedule approved by the Council of Ministers.

#### Article 134

(Amended, SG No. 52/2008, SG No. 32/2012, effective 24.04.2012)

(1) The Minister of Environment and Water or an official empowered thereby shall be the Competent Body responsible for the registration of organisations located in the European Union, pursuant to Article 11, paragraph 1 of Regulation (EC) No 1221/2009.

(2) The RIEW Directors shall provide to the organisations referred to in Paragraph (1) information in accordance with Article 32, paragraph 4 of Regulation (EC) No 1221/2009 on the applicable legal requirements relating to the environment and on the means of showing how the organisations meet the said requirements.

#### Article 135

(Amended, SG No. 52/2008, SG No. 32/2012, effective 24.04.2012)

The Bulgarian Accreditation Service Executive Agency shall be the national Accreditation Body pursuant to Article 28 of Regulation (EC) No 1221/2009.

#### Article 136

(Amended, SG No. 52/2008, SG No. 32/2012, effective 24.04.2012)

The procedure for registration, renewal of registration and control over compliance with the requirements pursuant to Regulation (EC) No 1221/2009 shall be established by an ordinance of the Minister of Environment and Water.

#### Article 136a

(New, SG No. 32/2012, effective 24.04.2012)

The EMAS logo shall be used pursuant to Article 10 of Regulation (EC) No 1221/2009.

#### Article 137

(1) (Repealed, SG No 52/2008).

(2) (Amended, SG No. 52/2008, SG No. 32/2012, effective 24.04.2012) An EU Ecolabel may be awarded to products which comply with specific criteria adopted by a decision of the European Commission, published in the Official Journal of the European Union.

#### Article 138

(Amended, SG No. 52/2008, SG No. 32/2012, effective 24.04.2012)

The Minister of Environment and Water or an official empowered thereby shall be the competent body pursuant to Article 4 of Regulation (EC) No 66/2010.

#### Article 139

(Amended, SG No. 77/2006, SG No. 52/2008, SG No. 32/2012, effective 24.04.2012)

The EU Ecolabel shall be awarded and used pursuant to Article 9 of Regulation (EC) No 66/2010.

#### Article 140

(Amended, SG No. 31/2007, SG No. 52/2008, repealed, SG No. 32/2012, effective 24.04.2012).

#### Article 141

(1) (Amended, SG No. 52/2008, redesignated from Article 141, amended, SG No. 32/2012, effective 24.04.2012) Fees according to a rate schedule approved by the Council of Ministers shall be paid for the processing of the application and for use of the EU Ecolabel.

(2) (New, SG No. 32/2012, effective 24.04.2012) The costs of proving compliance with the criteria for the award of the EU Ecolabel shall be for the account of the applicant.

#### Article 142

(Amended, SG No. 52/2008, repealed, SG No. 32/2012, effective 24.04.2012).

## **Section IV** **(New, SG No. 46/2010, effective 18.06.2010)** **International Trading of AAUs and National Green Investment Scheme**

#### Article 142a

(New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

#### Article 142b

(New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).



#### Article 142c

(New, SG No. 46/2010, effective 18.06.2010)

(1) The proceeds from the sale of AAUs shall be credited to a special off-budget account which shall be maintained and controlled by the Minister of Finance. The Minister of Finance shall control compliance with the agreements for the sale of AAUs and the expending of the resources allocated by the NTEF under the agreements for financing of projects under the National Green Investment Scheme (NGIS), including the administrative expenses on the application of the NGIS.

(2) (Repealed, SG No. 22/2014, effective 11.03.2014).

(3) In case of an absence of an express requirement on the part of the AAU buyer for greening of the proceeds from the sale through the NGIS, the said proceeds shall be credited to the state budget and shall be expended on environmental projects.

#### Article 142d

(New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

#### Article 142e

(New, SG No. 46/2010, effective 18.06.2010, amended, SG No. 35/2011, effective 3.05.2011, repealed, SG No. 22/2014, effective 11.03.2014).

#### Article 142f

(New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

#### Article 142g

(New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

#### Article 142h

(New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

## **Chapter Eight**

# **NATIONAL ENVIRONMENTAL MONITORING SYSTEM**

#### Article 143

The National Environmental Monitoring System shall cover the entire territory of Bulgaria.

#### Article 144

(1) The National Environmental Monitoring System shall comprehend:

1. the national networks for:

a) ambient air monitoring;

b) precipitation and surface-water monitoring;

c) ground-water monitoring;

d) sea-water monitoring;

e) geological environment monitoring;

f) (amended, SG No. 89/2007) soil monitoring;

g) forests and protected-areas monitoring;

h) (amended, SG No. 77/2005) biological diversity monitoring;

i) radiological monitoring;

j) environmental noise pollution monitoring;

k) (repealed, SG No. 46/2010, effective 18.06.2010);

l) monitoring of waste landfills and of past pollution with waste;

2. a system for information on, and control of, air emissions and the state of waste waters;

3. the operation, communication and information support and laboratory services to the networks covered under Item 1.

(2) The national environmental monitoring networks shall be designed and built in conformity with the national, European and international standards.

(3) For the purposes of the information support of the National Environmental Monitoring System, a National Automated System for Environmental Monitoring shall be established.

(4) The National Automated System for Environmental Monitoring shall be organized at national, basin, and regional level.

(5) The measurements and laboratory tests shall be performed by accredited laboratories.

(6) The Minister of Environment and Water shall issue an order endorsing the networks covered under Item 1 of Paragraph (1).

## Article 145

The National Environmental Monitoring System shall perform the following tasks:

1. observation of the national networks in order to determine the state of the environmental media;

2. processing, analysis, visualization and storage of the information from the networks covered under Item 1 and from self-monitoring;

3. provision of information required for current control;

4. trends analysis, environmental risk assessment and development of proposals for improvement of the state of the environment;

5. information support of the executive authorities and of the public;

6. creation and maintenance of special inventory cards and registers for the environmental media and the factors impacting the said media;

7. exchange of information on the state of the environment with the European Monitoring System.

## Article 146

(1) (Supplemented, SG No. 74/2005, SG No. 89/2007) For the purpose of conduct of self-monitoring, the persons obliged under the Water Act, the Soils Act, the Clean Ambient Air Act, the Subsurface Resources Act, the Protection from Environmental Noise Act and the and the Waste Management Act, shall elaborate a plan in conformity with the conditions imposed by the permit or by the EIA decision.

(2) The self-monitoring plan shall be approved by the authority which has obligated the person referred to in Paragraph (1).

(3) Upon approval of the self-monitoring plan, the authority referred to in Paragraph (2) shall determine the information which the persons conducted self-monitoring shall be obliged to submit for inclusion in the National Automated System for Environmental Monitoring, as well as the procedure and manner for submission of the said information.

## Article 147

(1) (Supplemented, SG No. 74/2005) The National Environmental Monitoring System, with the exception of the National Monitoring System for Noise in Urbanized Areas, shall be organized and directed by the Minister of Environment and Water.

(2) (Supplemented, SG No. 74/2005) The creation, operation, logistical, information and software support of the National Automated System for Eco-monitoring, with the exception of the National Monitoring System for Noise in Urbanized Areas, shall be implemented by the Executive Environmental Agency.

(3) (Repealed, SG No. 77/2005).

(4) (Supplemented, SG No. 74/2005) Methodological guidance of the monitoring activity, with the exception of the monitoring activity on noise in urbanized areas, shall be provided by the Executive Environment Agency.

(5) The state of the environment shall be assessed at regional and national level, respectively, by the RIEWs and the Executive Environment Agency.

(6) The data on and assessments of the state of the environment shall be published in a quarterly and annual Bulletin on the State of the Environment.

(7) The observation and assessment data obtained as a result of the activity of the National Environmental Monitoring System, as well as from self-monitoring, shall provide a basis for the exercise of control and for imposition of sanctions upon violation of the regulatory requirements.

# **Chapter Nine CONTROL**

## **Section I General Terms**

## Article 148

(1) The Ministry of Environment and Water shall exercise control over the environmental media and the factors impacting the said media.

(2) The said control shall be preventive, current and follow-up.

(3) At the national level, the said control shall be implemented by The Minister of Environment and Water or by persons empowered thereby, and at the regional level by the RIEW directors, the Basin Directorate directors, the National Park directors, the municipality mayors or by officials authorized thereby.

## Article 149

(1) (Supplemented, SG No. 77/2005) The natural and legal persons shall be obligated to afford immediate access to all sites and areas and render assistance to the authorities covered under Article 148 (2) herein for the purpose of conduct of inspection, for measurement or taking of samples from existing or potential sources of environmental pollution and/or environmental damage.

(2) Access to sites and areas of the Ministry of Interior or to the Ministry of Defence shall be granted by the competent chief of structural unit of the ministry.

(3) The executive authorities and the administrations thereof, the organizations, the juristic and natural persons shall be obliged to render assistance to the authorities exercising control over performance of the functions thereof.

## Article 150

The natural and juristic persons possessing and using treatment facilities and waste treatment facilities shall be obliged to ensure the operation of the said facilities according to the provisions of the legislative acts and conforming to the conditions set in the EIA decisions, the permits and the other relevant individual administrative acts.

## Article 151

(Amended, SG No. 77/2005)

(1) In respect of any administrative violations ascertained in the course of the control activity, the control authorities shall draw up written statements ascertaining the violations.

(2) In the cases referred to in Paragraph (1), the control authorities may issue written prescriptions and orders imposing coercive administrative measures.

# **Section II**

## **Preventive Control**

## Article 152

(Amended, SG No. 77/2005)

Preventive environmental protection control shall be implemented through environmental assessment upon approval of plans and programmes, through EIA as a condition in the development of the investment process, as well as by means of granting of integrated and other permits provided for in the law.

## Article 153

(1) The purpose of preventive control shall be to prevent pollution and/ or damage to the environment in excess of the permissible levels prior to implementation of the proposed and/or planned activity.

(2) In the course of performance of the functions thereof and for the purpose of attaining the objective of preventive control, the authorities covered under Article 148 (3) shall issue warning statements to the natural persons, the management bodies of juristic persons and to sole traders subject to control.

(3) The statements drawn in pursuance of Paragraph (2) shall present the facts or circumstances which may lead to environmental damage and/or pollution and shall give mandatory prescriptions for avoidance of the facts and/or circumstances as presented therein.

(4) The prescriptions in the statement under Paragraph (3) shall be binding on the inspected person.

## **Section III**

### **Current and Follow-Up Control**

#### **Article 154**

(1) Current control shall comprehend:

1. control of the quality of the environmental media and of the factors impacting the said media;
2. control over compliance with the conditions specified in the permits and environmental impact assessment decisions as issued by the Ministry of Environment and Water, the Basin Directorates and the Regional Inspectorates of Environment and Water and of the measures provided for in the programmes.

(2) (Supplemented, SG No. 77/2005) Current control shall be implemented by means of conduct of inspections of documents and on-site inspections, observations and measurements.

(3) (New, SG No. 77/2005) Where any documents certifying compliance with the established requirements are found missing upon an inspection of documents or an on-site inspection, the inspected person shall present the said documents within seven days after the inspection.

(4) (Renumbered from Paragraph 3, SG No. 77/2005) Current control shall include access to:

1. the data on the self-monitoring of the site, conducted by the operator;
2. information relating to the production activity on the site;
3. the corporeal immovables and facilities constituting state, municipal and private property.

#### **Article 154a**

(New, SG No. 32/2012, effective 24.04.2012)

(1) The control authorities referred to in Article 120 (5) herein shall draw up, review and, where necessary, update an inspection plan for the installations within the scope of Annex 4 hereto in respect of the area covered thereby.

(2) The plan referred to in Paragraph (1) shall include:

1. a general assessment of the significant effects on the environment;
2. the geographical area covered by the plan;
3. a list of the installations;
4. procedures for drawing up programmes for routine inspections;
5. procedures for non-routine inspections;
6. where necessary, rules for joint inspections with other control authorities.

(3) Based on the plans referred to in Paragraph (2), the control authority shall regularly draw up programmes for routine inspections, including the frequency of on-site inspections for different types of installations.

(4) The frequency of the inspections referred to in Paragraph (3) shall be based on a systematic appraisal of the environmental risks of the installations concerned and shall be at least once a year for installations posing the highest risks and once in three years for installations posing the lowest risks.

(5) If an inspection has identified an important case of non-compliance with the permit conditions, the control authority shall carry out a new on-site inspection within six months after the last inspection.

(6) The systematic appraisal of the environmental risk shall be based on at least the following criteria:

1. the potential and actual impact of the installations concerned on human health and the environment, taking into account the levels and types of emissions, the sensitivity of the local environment and the risk of accidents;

2. the record of compliance with the permit conditions;

3. a valid registration of the operator under the Community eco-management and audit scheme (EMAS) pursuant to Regulation (EC) No 1221/2009.

(7) Non-routine inspections shall be carried out within one month after the receipt of complaints and alerts, environmental accidents and incidents or occurrences of non-compliance with the integrated permit conditions, and in the cases of a procedure initiated according to the procedure established by Article 117 or 124 herein, before the completion of the said procedure.

(8) During each on-site inspection, the control authority shall draw up a memorandum of ascertainment. Based on the memorandum of ascertainment following the inspection, the control authority shall prepare a report containing findings of facts and circumstances regarding compliance of the installation with the permit conditions and, where necessary, mandatory prescriptions for the operator, as well as administrative penalty measures undertaken by the control authority.

(9) The control authority:

1. shall familiarize the operator with the report referred to in Paragraph (8) not later than two months after completion of the inspection;

2. shall publish the report referred to in Paragraph (8) in compliance with the requirements for public access to environmental information not later than four months after completion of the inspection.

(10) Notwithstanding the application of Article 125 (2) herein, the operator shall comply with the prescriptions given in the memorandum of ascertainment within the prescribed time limits.

#### Article 155

(1) In the course of exercise of current control, officials designated by the authorities covered under Article 148 (3) herein shall draw up memorandums of ascertainment.

(2) The memorandums of ascertainment referred to in Paragraph (1) shall present the facts and circumstances as ascertained and shall give mandatory prescriptions, specifying deadlines and persons responsible for implementation of the said prescriptions.

#### Article 156

Follow-up control shall be implemented by following:

1. (amended, SG No. 32/2012, effective 24.04.2012) the results of implementation of the conditions, measures and restrictions in EIA decisions, decisions evaluating the need of an EIA, opinions on an environmental assessment, decisions evaluating the need of an environmental assessment and in the permits, as well as the results of execution of development projects and of the implementation of the plan or the programme;

2. implementation of the prescriptions given to the persons controlled during preventive and current control.

#### Article 157

The drawing up of written statements on commission of administrative violations and the issuance of penalty decrees

shall be part of current and follow-up control.

#### Article 157a

(New, SG No. 77/2005)

(1) The Minister of Environment and Water shall control the fulfilment of the obligations of the operator where to a permit referred to in Article 104 (1) herein has been granted.

(2) (Amended, SG No. 95/2005, SG No. 82/2006, SG No. 102/2006, SG No. 93/2009, SG No. 32/2012, effective 1.01.2013) Control under Paragraph (1) shall be exercised by means of joint inspections by commissions designated by an order of the Minister of Environment and Water and composed of representatives of the territorial and regional structures of the Ministry of Environment and Water, the Ministry of the Interior and authorized representatives of the General Labour Inspectorate Executive Agency and the municipality mayors.

(3) The commissions referred to in Paragraph (2) shall control:

1. the fulfilment of the conditions of the permit referred to in Article 104 (1) and Article 116e (1) herein;
2. the fulfilment of the obligations of the operator referred to in Item 1 of Article 115, Article 116a, Item 1 of Article 116c (1) and Item 1 of Article 116c (2), and Article 116h (2) herein.

(4) The joint inspections shall be conducted:

1. on the basis of an annual plan for control activity of the commissions;
2. upon receipt of complaints and alerts.

(5) The joint inspections shall be conducted at least once a year for upper-tier establishments and/or installations.

(6) By the order referred to in Paragraph (2), the Minister of Environment and Water shall designate the members and the chairperson of the commission by name, as well as the sites subject to inspection and the scope of inspection.

(7) The Minister of Environment and Water shall authorize the chairperson of the commission referred to in Paragraph (2) to draw up memorandums of ascertainment on the inspections as conducted, to issue mandatory prescriptions, and to draw up written statements on the administrative violations ascertained upon the inspection.

(8) The Minister of Environment and Water shall issue an order endorsing the annual plan for control activity.

(9) The organization of work of the commission referred to in Paragraph (2) and the form of the annual plan referred to in Item 1 of Paragraph (4) shall be determined by the ordinance referred to in Article 104 (6) herein.

#### Article 157b

(New, SG No. 77/2005)

(1) During the conduct of a joint inspection, the chairperson of the commission referred to in Article 157a (2) herein shall draw up a memorandum of ascertainment, which shall be signed by all members of the said commission.

(2) The memorandum referred to in Paragraph (1) shall record the facts and circumstances as ascertained and shall give mandatory prescriptions, specifying time limits and persons responsible for acting on the said prescriptions.

(3) Upon ascertainment of violations, the chairperson of the commission referred to in Article 157a (2) herein shall draw up a written statement on administrative violation.

(4) (Supplemented, SG No. 103/2009) The Minister of Environment and Water or an official empowered thereby shall issue a penalty decree, imposing thereby the relevant administrative sanction on the operator.

#### Article 157c

(New, SG No. 77/2005)

(1) Upon conduct of an inspection, the members of the commission referred to in Article 157a (2) herein shall have the right to require the requisite data, information, reference briefs and explanations from the inspected persons and from third parties in connection with the performance of the controlled activity.

(2) The operator of the establishment and/or installation shall be obligated to ensure to the representatives of the control commission referred to in Article 157a (2) herein the assistance necessary for execution of all inspections of the establishment and/or installation, the taking of samples and collection of the information necessary for discharge of the duties thereof under this Act.

(3) The members of the commission referred to in Article 157a (2) herein shall be obligated to respect the confidentiality of any official, manufacturing and commercial secrets as have come to the knowledge thereof in the course of or in connection with the performance of the control activity.

#### Article 157d

(New, SG No. 46/2010, effective 18.06.2010)

(1) Control over fulfilment of the requirements of Regulation (EC) No 1102/2008 shall be exercised by the Minister of Environment and Water or by officials empowered thereby.

(2) For the purposes of control over the implementation of Regulation (EC) No 1102/2008, the Executive Director of the National Revenue Agency and the Director of the National Customs Agency shall provide, upon request by the Minister of Environment and Water or by officials empowered thereby, information according to Article 5, paragraph 3 of Regulation (EC) No 1102/2008.

#### Article 157e

(New, SG No. 32/2012, effective 24.04.2012)

(1) Control over fulfilment of the requirements of Regulation (EC) No 1221/2009 and Regulation (EC) No 66/2010 shall be exercised by the RIEW directors.

(2) The market surveillance authorities within the meaning given by Regulation (EC) No 765/2008 shall promptly notify the competent RIEW of any breaches of the use of the EMAS logo and of the EU Ecolabel ascertained upon the exercise of control according to the respective competences of the said authorities.

#### Article 157f

(New, SG No. 32/2012, effective 24.04.2012)

In the cases of performance of control at the request of affected parties, the costs of the ascertainment of violations shall be paid by the offender concerned.

## **Chapter Ten**

# **COERCIVE ADMINISTRATIVE MEASURES AND ADMINISTRATIVE PENALTY LIABILITY**

#### Article 158



The Minister of Environment and Water or persons empowered thereby, the RIEW directors, the National Park directors and the Basin Directorate directors shall apply coercive administrative measures in the cases of:

1. accidents caused by acts of omissions of owners or users of sites and areas;
2. disaster situations;
3. occurrence of an immediate danger of environmental pollution or damage or of damage to human health or property;
4. prevention or termination of administrative violations related to environmental protection, as well as prevention and/or elimination of the harmful consequences of such violations.

#### Article 159

(1) Coercive administrative measures shall be preventive, terminative and remedial.

(2) Upon application of coercive administrative measures, the Minister of Environment and Water or persons empowered thereby, the RIEW directors, the National Park directors and the Basin Directorate directors shall issue reasoned orders to terminate, with the assistance of the regional governors, the production activity of owners or users of areas, as well as to deny owners and users access to area, inter alia by means of affixation of lead seals and paper tapes.

(3) The marking of the lead seal and the manner of affixation of lead seals and paper tapes referred to in Paragraph (2) shall be endorsed by an order of the Minister of Environment and Water.

#### Article 160

(1) A coercive administrative measure shall be applied by means of a reasoned order issued by an authority covered under Article 158 herein.

(2) Any order referred to in Paragraph (1) shall specify the type of coercive administrative measure and the manner of application thereof.

(3) Any order referred to in Paragraph (1) shall be served on the person concerned according to the procedure established by the Code of Civil Procedure.

(4) (Amended, SG No. 30/2006) Any order referred to in Paragraph (1) shall be appealable by the persons concerned according to the procedure established by the Administrative Procedure Code, as the case may be.

(5) An appeal against any order referred to in Paragraph (1) shall not stay the execution thereof.

#### Article 161

(1) (Supplemented, SG No. 77/2005) The Minister of Environment and Water or a person empowered thereby shall appeal against any acts of the administrative authorities which conflict the statutory instruments in the field of environmental protection.

(2) Any appeal under Paragraph (1) shall stay the execution of the act appealed.

#### Article 162

(1) Any violation of this Act, which do not constitute a criminal offence, shall be punishable by a fine of BGN 100 or exceeding this amount but not exceeding BGN 6,000, in the case of natural persons, regional governors, municipality mayors, ward mayors, mayoralty mayors and officials, and by a pecuniary penalty of BGN 1,000 or exceeding this amount but not exceeding BGN 20,000, in the case of juristic persons and sole traders.

(2) The fine or pecuniary penalty under Paragraph (1) shall be imposed in a double for a repeated violation.

(3) Manifestly minor cases of violation committed by natural persons shall be punishable by a fine of BGN 100.

#### Article 163

(1) (Redesignated from Article 163, SG No. 77/2005, amended, SG No. 103/2009) Any member or team leader of a team referred to in Article 83 (1) herein, who violates Article 83 (5) herein, shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000, unless subject to a severer penalty.

(2) (New, SG No. 77/2005, amended, SG No. 52/2008, SG No. 32/2012, effective 24.04.2012) Any person, who or which uses the EU Ecolabel in breach of the provisions of Article 9 of Regulation (EC) No 66/2010, shall be liable to a fine or to a pecuniary penalty, as the case may be, of BGN 1,000 or exceeding this amount but not exceeding BGN 5,000.

(3) (New, SG No. 32/2012, effective 24.04.2012) Any person, who or which uses the EMAS logo in breach of the provisions of Article 10 of Regulation (EC) No 1221/2009, shall be liable to a fine or to a pecuniary penalty, as the case may be, of BGN 1,000 or exceeding this amount but not exceeding BGN 5,000.

(4) (New, SG No. 77/2005, renumbered from Paragraph (3), SG No. 32/2012, effective 24.04.2012) The fine or pecuniary penalty, as the case may be, shall be imposed in a double amount for a repeated violation.

#### Article 164

(1) (Redesignated from Article 164, SG No. 52/2008) A pecuniary penalty of BGN 10,000 or exceeding this amount but not exceeding BGN 100,000 shall be imposed on any legal-person or sole-trader installation operator for any failure to comply with the requirements established by Article 125 herein.

(2) (New, SG No. 52/2008, amended, SG No. 42/2011) A pecuniary penalty to the amount of BGN 2,000 or exceeding this amount but not exceeding BGN 5,000 shall be imposed on any legal-person or sole-trader installation operator for any failure to comply with the requirements of Article 22a herein and for provision of untrue information.

(3) (New, SG No. 32/2012, effective 24.04.2012) Any operator of installations and facilities, which carry out activities falling within the scope of Annex 4 hereto without an integrated permit under Article 117 (1) and (2) herein, shall be liable to a fine or to a pecuniary penalty, as the case may be, of BGN 50,000.

(4) (New, SG No. 32/2012, effective 24.04.2012) The application of Paragraph (3) shall not suspend the actions referred to in Item 4 of Article 158 herein until the granting of an integrated permit.

#### Article 164a

(New, SG No. 77/2005, amended, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

#### Article 164b

(New, SG No. 52/2008)

A fine or a pecuniary penalty equivalent to the double amount of the unpaid eco-fee for the motor vehicle shall be imposed on the natural or legal person for any failure to comply with the requirements of Article 56a (1) herein.

#### Article 164c

(New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

#### Article 165

(1) Any official, who shall deny access to the site or area to a controlling authority conducting an on-site inspection, measurement or taking a sample, will be liable to a fine of BGN 2,000 or exceeding this amount but not exceeding BGN

20,000.

(2) A pecuniary penalty of BGN 2,000 or exceeding this amount but not exceeding BGN 20,000 shall be imposed on any juristic person or sole trader in the cases where any factory or office worker employed thereby shall commit a violation under Paragraph (1), irrespective of whether the controlling authority is in a position to establish the identity of any such factory or office worker.

#### Article 166

The sanctions provided for under Article 165 herein shall furthermore be imposed on any person who:

1. fails to submit the available self-monitoring data to the controlling authorities;

2. (amended, SG No. 32/2012, effective 24.04.2012) fails to comply with any conditions, measures and restrictions in permits, decisions or opinions issued by the competent environment authorities;

3. (amended, SG No. 77/2005, supplemented, SG No. 103/2009) fails to implement the prescriptions given in the individual administrative acts and the memoranda of ascertainment under Article 155 or 157b herein as issued by the Minister of Environment and Water, the RIEWs directors, the basin directorate directors, the national park directors, or by officials authorized thereby.

#### Article 166a

(New, SG No. 77/2005)

(1) (Amended, SG No. 32/2012, effective 24.04.2012) Any natural or legal person, who or which carries out an activity without holding a permit referred to in Article 104 (1) herein or without a decision modifying the permit referred to in Article 116e (1) herein, in the cases where such permit or decision is required, shall be liable to a fine or a pecuniary penalty, as the case may be, of BGN 30,000 or exceeding this amount but not exceeding BGN 100,000, unless subject to a severer penalty.

(2) (Amended, SG No. 32/2012, effective 24.04.2012) Any natural or legal person, who or which fails to comply with the conditions provided for in a permit referred to in Article 104 (1) herein or in a decision referred to in Article 116e (1) herein, or who or which fails to fulfil the obligations referred to in Item 1 of Article 115 and Article 116h (1) herein, shall be liable to a fine, unless subject to a severer penalty, or to a pecuniary penalty, as the case may be, of BGN 10,000 or exceeding this amount but not exceeding BGN 20,000.

(3) Any natural or legal person, who or which fails to fulfil the obligations referred to in Article 116a (1) and (2) herein, shall be liable to a fine, unless subject to a severer penalty, or to a pecuniary penalty, as the case may be, of BGN 5,000 or exceeding this amount but not exceeding BGN 10,000.

(4) Any natural or legal person, who or which fails to comply with the time limits provided for in Article 108 (1), Article 116a (3) and (4), Item 1 of Article 116c (1) and Item 1 of Article 116c (2) herein, shall be liable to a fine or a pecuniary penalty, as the case may be, of BGN 2,000 or exceeding this amount but not exceeding BGN 5,000.

#### Article 166b

(New, SG No. 46/2010, effective 18.06.2010)

(1) Any natural or legal person, who or which exports metallic mercury and/or compounds and mixtures thereof referred to in Article 1, paragraph 1 of Regulation (EC) No 1102/2008 or who of which mixes metallic mercury with other substances for the sole purpose of export of metallic mercury, shall be liable to a fine or to a pecuniary penalty, as the case may be, of BGN 50,000 or exceeding this amount but not exceeding BGN 100,000.

(2) Any natural or legal person, who or which carries out an activity under Article 2 of Regulation (EC) No 1102/2008, who fails to comply with the provisions or who provides untrue information under Article 5, paragraph 3 and Article 6 of Regulation (EC) No 1102/2008, shall be liable to a fine or to a pecuniary penalty, as the case may be, of BGN

3,000 or exceeding this amount but not exceeding BGN 10,000.

#### Article 167

(Supplemented, SG No. 77/2005)

The written statements whereby administrative violations under this Act are ascertained shall be drawn up by officials designated by the Minister of Environment and Water or by officials or, respectively, by the RIEW directors, the basin directorate directors or the national park directors.

#### Article 168

(Supplemented, SG No. 77/2005)

The penalty decrees under this Act shall be drawn up according to the procedure established by the Administrative Violations and Sanctions Act and shall be issued by the Minister of Environment and Water or by persons empowered thereby, by the RIEW directors, the Basin Directorate directors or the National Park directors.

#### Article 169

(1) The written statements ascertaining administrative violations under this Act may furthermore be drawn up by representatives of any public and of non-governmental ecologist organizations designated by the Minister of Environment and Water.

(2) The penalty decrees under Paragraph (1) shall be issued by The Minister of Environment and Water or by persons empowered thereby.

## **Chapter Eleven**

### **CIVIL LIABILITY**

#### Article 170

(1) Any person, who shall culpably inflict environmental pollution or damage on another, will be obliged to indemnify the aggrieved party.

(2) In cases where assets constituting state property has been damaged, the party empowered to bring an action under Paragraph (1) shall be:

1. the Minister of Environment and Water, if the detriment extends over the territory of multiple administrative regions;
2. the competent Regional Governor, if the detriment extends over the territory of multiple municipalities.

(3) In cases where assets constituting municipal property have been damaged, the municipality mayor shall be empowered to bring the action under Paragraph (1).

#### Article 171

The aggrieved parties under Article 170 (1) and (2) herein may bring action against the offender for cessation of the violation and for elimination of the consequences of pollution occurred.

#### Article 172

The consequences caused by transboundary environmental pollution shall be eliminated in pursuance of an international treaty whereto the Republic of Bulgaria is a party.

(a) a proposal for the execution of construction works or building installations or schemes;

(b) other interventions in the natural surroundings and landscape, including those involving the extraction of mineral resources.

## **SUPPLEMENTARY PROVISIONS**

§ 1. Within the meaning of this Act:

1. "Environment" shall be a complex of natural and anthropogenic factors and media in a state of mutual dependence, which affect the ecological balance and the quality of life, human health, and cultural and historical heritage.

2. "Environmental protection" shall be a complex of activities intended to prevent degradation of the environment, the rehabilitation, conservation and improvement thereof.

3. "Natural resources" shall be the elements of biotic and abiotic nature used or useable by man to satisfy the needs thereof.

4. "Renewable resources" shall be the resources which naturally replenish themselves or which may be replenished in whole or in part by special activities and whose replenishability rates comparable to the rates of the exploitation thereof is regarded as proven. All other resources shall be non renewable.

5. "Environmental pollution" shall be the change in environmental quality as a result of the occurrence and introduction of physical, chemical or biological factors from a natural or anthropogenic source inside or outside Bulgaria, irrespective of whether the effective national limit values are exceeded.

6. "Environmental damage" shall be any modification of one or several of the media comprising the environment which leads to deterioration of the quality of human life, reduction of biological diversity, or difficult restoration of natural ecosystems;

7. "Available primary information" shall be the information presenting the results of measurements, tests, observations and other such activities not accompanied by analyses, forecasts and explanations, which is collected within the scope of the obligations of the competent administration, without being expressly requested by a person concerned.

8. "Available pre-processed information" shall be the information which is processed, summarized and analyzed within the scope of the obligation of the competent administration, without being expressly requested by a person concerned.

9. "Expressly processed information" shall be the information collected or processed, summarized and analyzed at the request of a person concerned.

10. "Collection of information" shall be the actions of the competent administrations and of the obligated natural and juristic persons, whereby the facts constituting primary information are measured, ascertained and observed and whereby the information is processed.

11. "Reporting of information" shall be the act of delivery of the information by the obligated person to the competent administration or to the competent authority.

12. "Provision of information" shall be the act whereby the parties concerned are granted access to the available information.

13. "Landscape" shall be an area whereof the specific aspect and elements have emerged as a result of actions and interactions between natural and/or human factors.

13a. (New, SG No. 32/2012, effective 24.04.2012) "Groundwater" shall be the water within the meaning given by Item 24 of § 1 of the Water Act.

14. (Amended, SG No. 32/2012, effective 24.04.2012) "Soil" shall be the top layer of the Earth's crust situated

between the bedrock and the surface. The soil is composed of mineral particles, organic matter, water, air and living organisms.

15. "Soil functions" shall be:

- a) basis for life and living space for human beings, animals, plants and soil organisms;
- b) an element of the natural balance, especially with the hydrological and nutrient cycles thereof.

16. "Harmful soil modifications" shall be the disturbance of the soil functions causing significant harm and damage to the individual and to the community in general:

- a) chemical pollution in excess of the maximum permissible quantities with heavy metals and metaloids, resistant organic pollutants, pesticides and oils, including salinization and acidification;
- b) pollution with fresh fertilizer residues and concentrated mineral fertilizers, as well as with various types of waste;
- c) physical degradation, such as water and wind erosion with the anthropogenic aspects thereof, waterlogging and swamping, consequences of burning of stubble and plant residue.

17. (Amended, SG No. 77/2005, SG No. 32/2012, effective 24.04.2012) "Development proposal" shall be:

18. "Impact" shall be any direct effect on the environment that may be caused by the implementation of a development proposal for construction, activity or technology, including the effect on human health and safety, flora, fauna, soil, air, water, climate, landscape, historical monuments and other physical structures or the interaction among these factors.

19. "Transboundary impact" shall be any impact, not exclusively of a global nature, within an area under the jurisdiction of a country, caused by a proposed activity the physical origin whereof is situated wholly or in part within an area under the jurisdiction of another country.

20. (Amended, SG No. 77/2005) "Initiator of a development proposal" shall be a public authority, a natural or a legal person, who or which, according to the procedure of a special law, a statutory instrument or administrative act, has rights to initiate a development proposal or to apply for approval of a development proposal.

21. (Amended, SG No. 77/2005) "Initiator of a plan or programme" shall be the person or the authority who or which is empowered to commission the preparation of the said plan or programme.

22. "Plans and programmes" shall be plans, programmes, strategies and other similar documents, as well as the alterations thereof, which:

- a) are required by statutory, regulatory or administrative provisions;
- b) are subject to preparation and/or adoption by a public authority at national, regional or local level or are prepared by a competent authority for adoption according to a procedure approved by the Council of Ministers or the National Assembly.

23. "States concerned in a transboundary context" shall be the Party of origin of an environmental impact and the other Parties to the Convention on Environmental Impact Assessment in a Transboundary Context affected by the said impact.

24. "Public" shall be one or more natural or juristic persons and the associations, organizations or groups thereof, established in accordance with national legislation.

25. (Supplemented, SG No. 77/2005) "The public concerned" shall be the public referred to in Item 24, which is affected or is likely to be affected by, or which has an interest in, the procedures for approval of plans, programmes, development proposals, and in the decision-making process on the granting or updating of permits according to the procedure established by this Act, or in the conditions set in the permits, including the non-governmental organizations promoting environmental protection which are established in accordance with national legislation.

26. "Zero alternative" shall be the possibility not to implement the activity provided for in the development proposal.

27. "Non-technical summary" shall be a brief presentation of the information in the EIA statement in a language comprehensible to the general public of a length not less than 10 per cent of the length of the statement and containing the requisite visuals (maps, photographs, charts).

28. (Amended, SG No. 77/2005, repealed SG No. 47/2009, effective 23.06.2009).

29. (Amended, SG No. 77/2005, SG No. 103/2009) "Installation" shall be a technical within an establishment in which dangerous substances are produced, used, handled or stored. It shall include all the equipment, structures, pipework, machinery, tools, private railway sidings (internal railway tracks), docks, unloading quays (port terminals) serving the installation, jetties, warehouses or similar structures, floating or otherwise, necessary for the operation of the installation.

29a. (New, SG No. 77/2005, supplemented, SG No. 103/2009) "Storage of dangerous substances" shall be the warehousing or depositing in safe custody of dangerous substances present in the establishment and/or the installation.

29b. (New, SG No. 77/2005) "Domino effect" shall be the increase of the likelihood and the possibility or the consequences of a major accident at an establishment and/or installation or at a group of establishments and/or installations because of the geographical proximity to another establishment and/or installation or to a group of establishments and/or installations or consequent to the dangerous substances which are produced, used and/or stored within the area of the said establishment and/or installation.

29c. (New, SG No. 77/2005) "Establishments serving the public" shall be:

(a) creches and kindergartens and specialized institutions providing social services to children and schoolchildren, schools and higher schools, pupil and student dormitories, music, language and sports schools, and centres for work with children;

(b) medical-treatment and health-care facilities, medical offices, occupational medicine services;

(c) sports grounds: stadiums and sports halls;

(d) theatres, cinemas, concert halls;

(e) railway stations, airports, ports, bus stations;

(d) office buildings and public buildings.

29d. (New, SG No. 77/2005) "Measures necessary to prevent major accidents" shall be the technical, organizational and managerial measures necessary for the safe operation of the establishment and/or installation.

30. "Environmental impact assessment decision" shall be an individual administrative act of the competent authority covered under Article 94 herein whereby the admissibility of design of an development proposal under Item 17 is approved by means of assessment of the location (building site, road bed) of the sites and of the expected environmental impact on the basis of an EIA statement, taking into account the public opinion and the observations expressed by the public concerned.

30a. (New, SG No. 77/2005) "Environmental nuisances" shall be the disturbance and inconvenience created by the environmental factors, determined according to studies in this field.

31. "Enterprise" shall be the whole area and the sites therein under the control of an operator, where dangerous chemical substances or preparations are present in one or more facilities, including common or related infrastructures or activities.

32. (Amended, SG No. 32/2012, effective 24.04.2012) "Substance" shall be any chemical element or compound with the exception of the substances which are sources of ionizing radiation within the meaning given by Item 15 of § 1 of the Safe Use of Nuclear Energy Act and Item 3 of § 1 of the Genetically Modified Organisms Act.

33. (Amended, SG No. 32/2012, effective 24.04.2012) "Industrial pollution" shall be any direct or indirect entry, as a result of human activity, of substances, vibrations, heat or noise into air, water or land which may be harmful to human health or to the environment, result in damage to material property, or impair or interfere with amenities and other legitimate uses of the environment.

34. (Supplemented, SG No. 46/2010, effective 18.06.2010, amended, SG No. 32/2012, effective 24.04.2012) "Installation" shall be any stationary technical facility within which:

(a) one or more of the activities listed in Annex 4 hereto are carried out;

(b) any other activities are carried out on the same site and which is directly associated and/or has a technical connection with the facilities referred to in Littera (a) and which could have an effect on emissions and pollution.

35. (Amended, SG No. 32/2012, effective 24.04.2012) "Existing installation" shall be any installation that is commissioned according to the procedure established by the Spatial Development Act.

36. (Amended, SG No. 46/2010, effective 18.06.2010, SG No. 22/2014, effective 11.03.2014) "Emission" shall be the direct or indirect release of substances, vibrations, heat or noise from individual or diffuse sources within a specific installation into the ambient air, water or soil or the release of greenhouse gases from aircraft performing an aviation activity listed in Annexes No. 1 and No. 2 to the Climate Change Mitigation Act.

37. "Emission limit value" shall be the mass of a particular substance, expressed in terms of certain specific parameters, concentration and/or level of an emission, which may not be exceeded during one or more pre-defined periods of time. Emission limit values may furthermore be established for certain groups, families or categories of substances.

38. "Environmental quality values" shall be the requirements as established in the statutory instruments regulating the environment which must be complied with at a given time by the environment or particular part thereof, such as values of harmful substance content in the ambient air, values of water quality in the water bodies, standards of the quality of the other environmental media, and permissible values of the factors polluting or damaging the environment.

39. (Amended and supplemented, SG No. 77/2005) "Integrated permit" shall be an individual administrative act granting authorization to operate all or part of a specific installation, subject to certain conditions which guarantee that the said installation complies with the requirements of Chapter Seven herein. A permit may cover one or more installations or parts of installations on the same site, are operated by the same operator, and some of which may not fall within the scope of Annex 4 hereto.

40. "Change in operation of the installation" shall be any reconstruction involving change of the nature of the operation of the installation, the functioning thereof or extension of the said installation that may have a certain impact on the environment.

41. (Amended, SG No. 77/2005, SG No. 32/2012, effective 24.04.2012) "Substantial change" shall be a change in operation of the installation which may have significant negative effects on human health or on the environment. Any change to or increase of capacity shall be deemed to be substantial if the change or increase of capacity in itself meets the thresholds set out in Annex 4 hereto.

42. (Amended, SG No. 77/2005, SG No. 32/2012, effective 24.04.2012) "Best available techniques" (BAT) shall be the most effective and advanced stage in the development of activities and their methods of operation which indicates the practical suitability of particular techniques for providing the basis for emission limit values and other permit conditions designed to prevent and, where that is not practicable, to reduce emissions and the impact on the environment as a whole:

(a) "techniques" shall include both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned;

(b) "available" techniques shall be techniques developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages, whether or not the techniques are used or produced inside the Member State in question, as long as they are reasonably



accessible to the operator;

(c) "best" shall be most effective in achieving a high general level of protection of the environment as a whole.

42a. (New, SG No. 32/2012, effective 24.04.2012) "BAT reference document" shall be a document which deals with defined activities and describes, in particular, applied techniques, present emissions and consumption of resources and substances, techniques evaluated for the determination of BAT, as well as BAT conclusions and any emerging techniques, giving special consideration to the criteria under the ordinance referred to in Article 119 herein and resulting from the exchange of information organized by the European Commission in order to draw up, review or update the said document.

42b. (New, SG No. 32/2012, effective 24.04.2012) "BAT conclusions" shall be a document containing a part of a BAT reference document laying down the conclusions on BAT, the description thereof, information to assess the applicability thereof, the emission levels associated with the BAT, the monitoring associated therewith, the consumption of resources and substances associated therewith and, where appropriate, relevant site remediation measures.

42c. (New, SG No. 32/2012, effective 24.04.2012) "BAT conclusion adopted by a decision of the European Commission" shall be a conclusion adopted in accordance with the comitology procedure after 7 January 2011.

42d. (New, SG No. 32/2012, effective 24.04.2012) "Emission levels associated with the BAT" shall be the emission levels obtained under normal operating conditions using the best available technique or a combination of BAT, as described in BAT conclusions, expressed as an average over a given period of time and under specified reference conditions.

42e. (New, SG No. 32/2012, effective 24.04.2012) "Emerging technique" shall be a novel technique for an industrial activity that, if commercially developed, could provide either a higher general level of protection of the environment or at least the same level of protection of the environment and higher cost savings than existing BAT.

43. (Amended, SG No. 77/2005, SG No. 103/2009, SG No. 32/2012, effective 24.04.2012) "Operator" shall be any natural or legal person whereto any of the following characteristics applies:

(a) operates a particular establishment, facility and/or installation of his, her or its own, whether in whole or in part;

(b) controls the operation of a particular establishment, facility and/or installation, whether in whole or in part;

(c) manages and makes decisions concerning the present or future functioning of the establishment, facility and/or installation, whether in whole or in part.

43a. (New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014);

43b. (New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014);

43c. (New, SG No. 46/2010, effective 18.06.2010, amended, SG No. 42/2011, repealed, SG No. 22/2014, effective 11.03.2014);

43d. (New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014);

43e. (New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014);

43f. (New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014);

43g. (New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014);

43h. (New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014);

43i. (New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014);

43j. (New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014);

43k. (New, SG No. 42/2011, repealed, SG No. 22/2014, effective 11.03.2014);

43l. (New, SG No. 42/2011, repealed, SG No. 22/2014, effective 11.03.2014);

43m. (New, SG No. 42/2011, repealed, SG No. 22/2014, effective 11.03.2014);

43n. (New, SG No. 42/2011, repealed, SG No. 22/2014, effective 11.03.2014);

43o. (New, SG No. 42/2011, repealed, SG No. 22/2014, effective 11.03.2014);

43p. (New, SG No. 42/2011, repealed, SG No. 22/2014, effective 11.03.2014);

44. (Amended, SG No. 32/2012, effective 24.04.2012) "Organisation" shall be a company, corporation, firm, enterprise, authority or institution or part or combination thereof, whether registered as a legal person or not, public or private, which has its own functions and administration.

45. (Repealed, SG No. 32/2012, effective 24.04.2012).

46. (Repealed, SG No. 32/2012, effective 24.04.2012).

47. "Affixation of lead seals" shall be the placing of a lead seal by the controlling authority for the purpose of restricting the access of persons to properties and facilities.

48. "Affixation of paper tapes" shall be the placing of a paper tape bearing the impression of an ink stamp by the controlling authority for the purpose of restricting the access of persons to properties and facilities.

49. "Environmental damage resulting from past act or omission" shall be old pollution of sites or building structures on industrial sites with dangerous substances and waste generated by industrial, agricultural, commercial or transport activity posing a hazard to human health or to the environment.

50. "Sustainable development" shall be development meeting the needs of the present without limiting or compromising the ability and capacity of future generations to meet their own needs. Sustainable development shall combine the two main aspirations of society:

a) achievement of economic growth ensuring improving living standards;

b) present and future protection and improvement of the environment.

51. "Accident" shall be a sudden technological failure of machines, facilities and units involving stopping or serious disturbance of the technological process, explosions, occurrence of fire, excessive environmental pollution, destruction, casualties or hazard to human life and public health.

52. "Environmental monitoring" shall be the collection, evaluation and summarizing of environmental information by means of continuous or periodic observation of certain qualitative and quantitative indicators characterizing the state of the environmental media and the changes therein resulting from the impact of natural and anthropogenic factors.

53. "National Environmental Monitoring System" shall be a complex of measurement, analytical and information activities intended to provide timely and reliable information on the state of the environmental media and the factors impacting the said media, which is used for analyses, assessments and forecasts to justify activities to conserve and protect the environment and human health against harmful impacts.

53a. (New, SG No. 77/2005, amended, SG No. 103/2009) "Substantial change to an establishment and/or installation" shall be:

(a) changes or modifications in the operation of the establishment and/or installation planned by the operator, including the shutting down or modification of operational installations or construction of new installations, which could have significant repercussions on the major-accident hazard;

(b) any change in the quantity of each of the dangerous substances present in the establishment and/or installation, and/or any introduction of new dangerous substances which reflect on the classification of the establishment and/or installation and/or have significant repercussions on the major-accident hazard or the gravity of the consequences thereof.

(c) any significant change in the nature or physical form of the dangerous substances present or any change in the operational processes in which they are employed or produced;

(d) permanent closure of the establishment and/or installation;

(e) any changes in the statutory requirements for operational safety of the establishment and/or installation which require the use of other techniques.

54. (Amended, SG No. 77/2005, SG No. 103/2009, SG No. 32/2012, effective 24.04.2012) "Hazardous substance/dangerous" shall be:

(a) for the purposes of Section II of Chapter Seven herein: a substance or a mixture within the meaning given by Article 3 of Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353/1 of 31 December 2008);

(b) for the purposes of Section I of Chapter Seven herein: any substance, preparation or mixture specifically named in Table 1 of Annex 3 hereto, or classified in at least one of the hazard categories indicated in Table 3 of Annex 3 hereto, and present as a raw material, product, by-product, residue or intermediate, including a substance which may be generated as a result of a side reaction or upon occurrence of an accident.

54a. (New, SG No. 77/2005, amended, SG No. 103/2009) "Major accident" shall be the occurrence of a major emission, fire or explosion resulting from uncontrolled developments in the course of operation of any establishment which holds a permit granted under Article 104 (1) herein and leading to a serious danger to human health and/or the environment, immediate or delayed, inside or outside the establishment, and involving one or more dangerous substances listed in Table 1 of Annex 3 hereto or dangerous substances classified in at least one hazard category as indicated in Table 3 of Annex 3 hereto.

54b. (New, SG No. 77/2005) "Major-accident hazard" shall be any act or omission involving a dangerous substance listed in Table 1 of Annex 3 hereto or a dangerous substance classified in at least one of the categories indicated in Table 3 of Annex 3 hereto, which may injure human health and/or the environment.

55. "Integration of national environmental policy into sectoral policies" shall mean the reckoning with, and incorporation of, the environmental protection requirements into the process of development, application and enforcement of the sectoral policies as defined in Article 9 herein.

56. "Good agricultural practice" shall be the agricultural practice which is based on the principles of sustainable development.

57. "Areas placed under a special regime of protection" shall be areas where special protective measures are introduced for rare species of flora and fauna and for the habitats thereof.

58. (New, SG No. 77/2005, repealed, SG No. 22/2014, effective 11.03.2014);

59. (New, SG No. 77/2005, amended, SG No. 22/2014, effective 11.03.2014) "Greenhouse gases" shall mean greenhouse gases within the meaning of § 1, item 41 of the additional provisions of the Climate Change Mitigation Act.

60. (New, SG No. 77/2005, repealed, SG No. 22/2014, effective 11.03.2014);

61. (New, SG No. 77/2005, repealed, SG No. 22/2014, effective 11.03.2014);

62. (New, SG No. 77/2005, repealed, SG No. 22/2014, effective 11.03.2014);

62a. (New, SG No. 32/2012, effective 24.04.2012, repealed, SG No. 22/2014, effective 11.03.2014);

63. (New, SG No. 77/2005, repealed, SG No. 22/2014, effective 11.03.2014);

64. (New, SG No. 99/2006, repealed, SG No. 22/2014, effective 11.03.2014);

65. (New, SG No. 103/2009) "Incremental sanction" shall be a sanction the amount of which increases progressively in time in the presence of legally established prerequisites for this and on the basis of an objectively determined calculation formula;

66. (New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014);

67. (New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014);

68. (New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014);

69. (New, SG No. 42/2011, repealed, SG No. 22/2014, effective 11.03.2014);

70. (New, SG No. 32/2012, effective 24.04.2012) "Baseline report" shall be information on soil and groundwater contamination by relevant hazardous substances.

71. (New, SG No. 32/2012, effective 24.04.2012) "Environmental inspection" shall be all actions, including site visits, monitoring of emissions and checks of internal reports and of follow-up documents, verification of self-monitoring, checking of the techniques used and adequacy of the environment management of the installation, undertaken by the control authority for the purpose of checking and promoting compliance with permit conditions and, where necessary, monitoring the environmental impact of installations.

72. (New, SG No. 32/2012, effective 24.04.2012) "Poultry" shall be fowl, turkeys, guinea fowl, ducks, geese, quails, pigeons, pheasants, partridges and ratite species (ostriches, emus, kiwis and other such) reared or kept in captivity for breeding, the production of meat or eggs for consumption, or for re-stocking supplies of game.

73. (New, SG No. 32/2012, effective 24.04.2012) "Unconventional hydrocarbons" shall be natural hydrocarbons from geological formations with low hydrocarbons content, low porosity and low, or very low permeability, whereof the extraction requires resort to technologies for additional intervention with the geological formations containing such hydrocarbons.

§ 2. In cases where this Act requires notification or announcement and where no express rules or the application of expressly established procedure is provided for this, any such notification or announcement, as the case may be, shall follow the procedure established by the Code of Civil Procedure.

§ 2a. (New, SG No. 103/2009, amended, SG No. 46/2010, effective 18.06.2010) This Act transposes the provisions of Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances, of Directive 2003/104/EC of the European Parliament and of the Council of 16 December 2003 amending Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances, of Directive 2008/101/EC of the European Parliament and of the Council of 19 November 2008 amending Directive 2003/87/EC so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community and of Article 1, paragraphs 10 and 13 of Directive 2009/29/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community.

§ 2b. (New, SG No. 42/2011) This Act transposes the requirements of Directive 2009/30/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 98/70/EC as regards the specification of petrol, diesel and gas-oil and introducing a mechanism to monitor and reduce greenhouse gas emissions and amending Council Directive 1999/32/EC as regards the specification of fuel used by inland waterway vessels and repealing Directive 93/12/EEC (OJ L 140/88 of 5 June 2009).

§ 2c. (New, SG No. 32/2012, effective 24.04.2012) This Act transposes the provisions of Chapters I and II and Annexes I and II to Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334/17 of 17 December 2010).

## **TRANSITIONAL AND FINAL PROVISIONS**

§ 3. The Environmental Protection Act (promulgated in the State Gazette No. 86 of 1991, amended in No. 90 of 1991; No. 100 of 1992; Nos. 31 and 63 of 1995; Nos. 13, 85 and 86 of 1997; No. 62 of 1998; Nos. 2 and 67 of 1999; Nos. 26, 27 and 28 of 2000; Nos. 1 and 26 of 2001) is hereby superseded.

§ 4. The secondary legislative acts for the application of this Act shall be issued within six months after the entry of the said Act into force.

§ 5. Until the issuance of the respective new secondary legislative acts, the secondary legislative acts issued in pursuance of the Environmental Protection Act as superseded shall apply in so far as they do not conflict this Act.

§ 6. Until the adoption of legislative acts on the activities covered under Article 144 (1) herein, methodologies and instructions of the Minister of Environment and Water shall apply.

§ 7. Within six months after the entry of this Act into force, the operators of installations falling within the scope of activities listed in Annex 4 hereto shall be obliged to give notification in writing of this fact to the Ministry of Environment and Water.

§ 8. (Amended, SG No. 105/2005) Any delinquent fees, fines and sanctions under this Act, the Water Act, the Waste Management Act, the Medicinal Plants Act, the Protected Areas Act and the Clean Ambient Air Act shall be collected with interest on taxes, fees and other such state receivables according to the procedure established by the Tax and Social Insurance Procedure Code .

§ 9. (Amended, SG No. 52/2008) (1) Upon privatization, the liability for damage caused to the environment and resulting from past acts or omissions shall be incurred by the privatized corporations or owners of self-contained parts concerned and the restoration of the environment shall be for the account thereof.

(2) (Amended and supplemented, SG No. 42/2011, supplemented, SG No. 32/2012, effective 24.04.2012) Any contracts for implementation of programmes for elimination, upon privatization, of damage caused to the environment and resulting from past acts or omissions, which have been concluded before the 15th day of December 2007, shall be performed according to the hitherto effective procedure. Where necessary, any such contracts may be amended or supplemented with regard to the possibilities for implementation of the programmes. The programmes shall be performed according to this procedure not later than the 31st day of December 2020, and all programmes which have not started and/or whereof the implementation is not completed shall be terminated after that date.

(3) (New, SG No. 42/2011) Upon termination of any contract referred to in Paragraph (2), the programme shall be completed under the terms and according to the procedure established by the Ordinance on the Terms and Procedure for Determination of the Liability of the State and for Elimination, upon Privatization, of Damage Caused to the Environment as a Result of Past Acts or Omissions, adopted by Council of Ministers Decree No. 173 of 2004 (promulgated in the State Gazette No. 66 of 2004; corrected in No. 114 of 2004; amended in No. 65 of 2007).

§ 10. (1) Within one year after the entry of this Act into force, the municipality mayors shall elaborate the programmes referred to in Article 79 (1) herein.

(2) Item 1 of Article 81 (1), Article 81 (3), Article 82 (1) and (4), and Section II of Chapter Six herein shall enter into force on the 1st day of July 2004.

(3) Until the entry into force of the provisions specified in Paragraph (2), EIA of the national, functional-regional and administrative-regional development plans and programmes, the spatial-development plans and the modifications thereof shall be conducted according to a procedure established by a regulation of the Minister of Environment and Water.

§ 10a. (New, SG No. 77/2005) The classification of existing establishments and/or installations for safe disposal of liquid waste, tailings ponds or slime ponds containing dangerous substances, as well as the classification of existing establishments and/or installations whereof the activities are concerned with prospecting, exploration for, extraction and processing of subsurface resources by means of chemical or thermal treatment whereupon dangerous substances are used, shall be carried out not later than the 31st day of December 2006.

§ 11. (1) The requirement for granting of an integrated permit under Chapter Seven herein shall apply to:

1. new and, in the event of change of production activities, existing installations and facilities: as from the 1st day of January 2003;

2. existing installations and facilities: during the period commencing on the 1st day of January 2003 and concluding on the 30th day of October 2007.

(2) (Amended, SG No. 77/2005) The deadline for compliance with the conditions set in the integrated permits as granted for existing installations shall be the 31st day of October 2007, with the exception of the cases in which another special law in the sphere of environmental protection or the Treaty concerning the Accession of the Republic of Bulgaria to the European Union provides otherwise.

(3) (New, SG No. 77/2005, amended, SG No. 82/2009) For separate units of a specific existing large combustion plant, the deadline for compliance with the conditions set in the integrated permits as granted may be extended until the 31st day of December 2014, where the said large combustion plant does not burn local lignite coal and, by a decision of the Minister of Economy, Energy and Tourism or of an official authorized thereby, the said plant is obligated to compensate part or all of the production of the decommissioned nuclear capacities and where compliance with the deadline referred to in Paragraph (2) would lead to insurmountable difficulties for fulfilment of the production obligations of the said plant to maintain the national energy balance.

§ 11a. (New, SG No. 77/2005, repealed, SG No. 32/2012, effective 24.04.2012).

§ 12. (Repealed, SG No. 86/2003, new, SG No. 99/2006, amended, SG No. 46/2010, effective 18.06.2010) Article 131h (9) and Article 131l (1) herein shall apply until the 31st day of December 2012.

§ 12a. (New, SG No. 47/2009, effective 23.09.2009) (1) (Redesignated from § 12a, SG No. 53/2012, effective 13.07.2012) The time limit referred to in Article 99 herein shall start to run as from the date of entry into effect of the EIA decisions and shall furthermore refer to the decisions issued prior to the entry into force of the Act to Amend and Supplement the Environmental Protection Act (State Gazette No. 77 of 2005).

(2) (New, SG No. 53/2012, effective 13.07.2012) The period referred to in Article 93, paragraph 7 shall start as of the date of entry into force of the opinion or decision referred to in Article 93, paragraphs 2 and 3 and shall apply also to opinions or decisions issued prior to 1 July 2012.

§ 12b. (New, SG No. 47/2009, effective 23.06.2009) (1) The EIA decisions by which development proposals have been approved according to the procedure established by the Environmental Protection Act as superseded (promulgated in the State Gazette No. 86 of 1991; corrected in No. 90 of 1991; amended in No. 100 of 1992, Nos. 31 and 63 of 1995, Nos. 13, 85 and 86 of 1997, No. 62 of 1998, Nos. 12 and 67 of 1999, Nos. 26, 27 and 28 of 2000, Nos. 1 and 26 of 2001; repealed in No. 91 of 2002) and according to the procedure established by this Act, wherein there are no changes of the development proposal and the construction whereof has not been completed as of this Act's entry into force, at the request of the competent authority and/or of the initiator shall be subject to review and evaluation for information updating in the analyses and assessments performed in the EIA documentation.

(2) The procedure shall commence by consultations between the competent authority and the initiator for specifying the scope and contents of the information whereby the EIA statement needs to be supplemented. Having specified these, the procedure shall proceed according to the procedure established by Articles 96 to 98 and Article 99 (1) herein.

(3) Within one month after conduct of the public discussion, the competent authority shall make a decision, taking into account the results thereof, whereby it shall:

1. confirm the EIA decision, or

2. amend and supplement the EIA decision with conditions for implementation, including measures to prevent, mitigate or eliminate significant adverse effects on the environment, as well as deadlines for compliance, where necessary.

(4) (Amended, SG No. 103/2009) In the cases where measures and conditions in an EIA decision are changed by an effective decision under Item 2 of Paragraph (3) and where a compatibility assessment procedure has been conducted according to the procedure established in § 14 of the Biological Diversity Act, if necessary the competent authority may, acting on its own initiative, amend and/or supplement the compatibility assessment decision with conditions to ensure the conservation of protected areas, requirements and measures to prevent, mitigate or eliminate as fully as possible the assumed adverse effects of the implementation of the development proposal.

(5) (New, SG No. 103/2009) In the cases referred to in Paragraph (4), the competent authority shall pronounce by a decision within one month after the entry into effect of the decision referred to in Item 2 of Paragraph (3).

(6) (New, SG No. 103/2009) Any appeal lodged against decisions referred to in Paragraphs (3) and (5) shall not stay the implementation thereof.

(7) (New, SG No. 103/2009) In case of a commenced procedure under Paragraph (1) in which no compatibility assessment procedure has been conducted or concluded for the development proposal under consideration, Article 31 (4) of the Biological Diversity Act shall apply.

§ 13. The Protection Against the Harmful Impact of Chemical Substances and Preparations Act (promulgated in the State Gazette No. 10/2000) shall be amended as follows:

1. Chapter Four shall be repealed.

2. Article 31 shall be repealed.

§ 14. (Effective 1.01.2003 - SG No. 91/2002) The Clean Ambient Air Act (promulgated in the State Gazette No. 45 of 1996, amended in No. 49 of 1996; No. 85 of 1997; No. 27 of 2000; No. 102 of 2001) shall be amended as follows:

1. In Article 27:

a) in Paragraph (1), the words "the municipal authorities shall prepare and adopt" shall be replaced by "the municipality mayors shall elaborate, and the Municipal Councils shall adopt";

b) Paragraph (2) shall be amended to read as follows:

"(2) The programmes referred to in Paragraph (1) shall be an integral part of the municipal environmental programmes referred to in Article 79 of the Environmental Protection Act."

2. In the title of Chapter Six, the words "National Environmental Protection Fund" shall be replaced by "Enterprise for Management of Environmental Protection Activities".

3. In Paragraphs (1) and (3) of Article 31, the words "National Environmental Protection Fund" shall be replaced by "Enterprise for Management of Environmental Protection Activities".

4. In Paragraphs (1) and (3) of Article 32, the words "National Environmental Protection Fund" shall be replaced by "Enterprise for Management of Environmental Protection Activities".

5. In Paragraphs (1) and (2) of Article 33, the words "National Environmental Protection Fund" shall be replaced by "Enterprise for Management of Environmental Protection Activities".

6. In Article 44, the words "National Environmental Protection Fund" shall be replaced by "Enterprise for Management of Environmental Protection Activities".

7. Paragraph 4b shall be repealed.

§ 15. (Effective 1.01.2003 - SG No. 91/2002) The Protected Areas Act (promulgated in the State Gazette No. 133 of 1998, amended in No. 98 of 1999; Nos. 28, 48 and 78 of 2000; No. 23 of 2002) shall be amended as follows:

1. In Article 74:

a) in Paragraph (1), the words "National Environmental Protection Fund" shall be replaced by "Enterprise for Management of Environmental Protection Activities".

b) Paragraph (4) shall be amended to read as follows:

"(4) The resources covered under Paragraph (1) shall be expended according to the Rules of Operation of the Enterprise for Management of Environmental Protection Activities."

2. In Article 86:

a) in Item 1 of Paragraph (2), the words "National Environmental Protection Fund" shall be replaced by "Enterprise for Management of Environmental Protection Activities";

b) in Paragraph (4), the words "National Environmental Protection Fund" shall be replaced by "Enterprise for Management of Environmental Protection Activities".

§ 16. (Effective 1.01.2003 - SG No. 91/2002) Paragraph (1) of Article 25 of the Medicinal Plants Act amended in No. 23 of 2002) shall be amended as follows:

1. In Item 2, the words "National Environmental Protection Fund" shall be replaced by "Enterprise for Management of Environmental Protection Activities".

2. In Item 3, the words "the respective Municipal Environmental Protection Fund" shall be replaced by "the respective municipal budget".

§ 17. (Effective 1.01.2003 - SG No. 91/2002) The Water Act (promulgated in the State Gazette No. 67 of 1999, amended in No. 81 of 2000; Nos. 34, 41 and 108 of 2001; No. 47 of 2002) shall be amended as follows:

1. In Article 196:

a) the words "shall be credited to a special analytical subaccount of the National Environmental Protection Fund" shall be replaced by "shall be credited to the Enterprise for Management of Environmental Protection Activities shall be";

b) Item 6 shall be repealed.

2. In Article 197:

a) in Paragraph (1), the words "The resources on the analytical subaccount shall be disbursed on" shall be replaced by "The resources covered under Article 196 herein shall be expended on";

b) Paragraph (2) shall be amended to read as follows:

"(2) The resources covered under Article 196 herein shall be expended in accordance with the Rules of Operation of the Enterprise for Management of Environmental Protection Activities. "

3. In Paragraph (4) of Article 199, the words "National Environmental Protection Fund" shall be replaced by "Enterprise for Management of Environmental Protection Activities".

§ 18. (1) The provisions of Articles 60 to 64, Items 1 and 4 of § 12, and § 14 to 17 incl. herein shall enter into force on the 1st day of January 2003.



(2) Until the entry into force of the provisions referred to in Paragraph (1), the activity of the National Environmental Protection Fund shall be carried out in accordance with the provisions of § 9 and Annex 7 to § 9 of the 2002 National Budget of the Republic of Bulgaria Act.

§ 19. (New, SG No. 46/2010, effective 18.06.2010) Where in the first two years of any period referred to in Article 131b (4) herein, none of the attributed aviation emissions from flights performed by an aircraft operator are attributed to the administering Member State of the said operator according to Item 43c (b) of § 1 of the Supplementary Provisions herein, the aircraft operator shall be transferred to another administering Member State in respect of the next period. The new administering Member State shall be the Member State with the greatest estimated attributed aviation emissions from flights performed by that aircraft operator during the first two years of the previous period.

§ 20. (New, SG No. 46/2010, effective 18.06.2010) Article 131h (6) herein shall apply in respect of aircraft operators for the period indicated in Item 1 of Article 131b (4) herein.

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## Waste Management Act

Promulgated, SG No. 86/2003

## TRANSITIONAL AND FINAL PROVISIONS

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§ 13. The Environmental Protection Act (promulgated in the State Gazette No. 91 of 2002; corrected in No. 98 of 2002) shall be amended as follows:

1. The words "the Limitation of the Harmful Impact of Waste on the Environment Act" shall be replaced passim by "the Waste Management Act".

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## Act to Amend and Supplement the Environmental Protection Act

(Promulgated, SG No. 77/2005)

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## SUPPLEMENTARY PROVISION

§ 103. Throughout the Act, the words "alteration" and "the alteration" shall be replaced, respectively, by "modification" and "the modification", and the words "project client" and "the project client" shall be replaced, respectively, by "initiator" and "the initiator".

## TRANSITIONAL AND FINAL PROVISIONS

§ 104. The first National Allocation Plan for Greenhouse Gas Emission Allowance Trading, referred to in Article 77a (1) (of the Environmental Protection Act), shall be one-year and shall cover the period commencing on the 1st day of January 2007 and concluding on the 1st day of January 2008.

§ 105. Emission reduction units and certified emission reduction units shall be used in the greenhouse gas emission allowance trading scheme as from the 1st day of January 2008.

§ 106. (1) The Minister of Environment and Water shall be the competent authority on the part of the Republic of Bulgaria responsible for the implementation of the Environment 2007-2013 Operational Programme, co-financed by the Cohesion Fund and the Structural Funds of the EU.

(2) The Minister of Environment and Water may assign fulfilment of specific tasks in connection with the responsibilities referred to in Paragraph (1) to intermediate units.

(3) The intermediate units under the Environment 2007-2013 Operational Programme shall be established by a decision of the Council of Ministers on a motion by the Minister of Environment and Water.

§ 107. The pecuniary penalty referred to in Article 164a (of the Environmental Protection Act) shall amount to BGN 80 for the period commencing on the 1st day of January 2007 and concluding on the 1st day of January 2008.

§ 108. The Council of Ministers shall adopt the ordinances covered under Article 131k (of the Environmental Protection Act) within one year after the entry of this Act into force.

§ 109. The fees, fines and penalties due at the time of entry of this Act into force under this Act, the Water Act, the Waste Management Act, the Medicinal Plants Act, the Protected Areas Act, the Clean Ambient Air Act and the Protection against the Harmful Impact of Chemical Substances and Preparations Act shall be collected according to the procedure established by Article 72a (of the Environmental Protection Act).

§ 110. As from the date of entry into force of this Act, temporary values, within the meaning given by Articles 10 and 10a of the Clean Ambient Air Act, may not be endorsed for existing installations and facilities for which an integrated permit is required.

Act to Amend and Supplement the Environmental Protection Act

(Promulgated, State Gazette No. 65/2006, effective 11.08.2006)

#### TRANSITIONAL AND FINAL PROVISIONS

§ 4. Applications for granting of permits under Article 131 (c), paragraph 1 for existing installations shall be submitted by 30 September 2006.

§ 5. This Act shall enter into force as from the day of promulgation thereof in the State Gazette, with the exception of Item 1 of § 1 herein, in respect of the provision of Item 9 of Article 11 (1) of the Environmental Protection Act, which shall enter into force as from the day of entry into force of the Treaty concerning the Accession of the Republic of Bulgaria to the European Union.

#### TRANSITIONAL AND FINAL PROVISIONS

to the Act amending and supplementing the Fisheries and Aquaculture Act

(SG No. 36/2008)

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§ 84. Everywhere in the Environmental Protection Act (Promulgated, State Gazette No. 91/2002, corrected, SG No. 98/2002, amended, SG 86/2003, supplemented, SG No. 70/2004, SG No. 74/2005, amended and supplemented, SG No. 77/2005, amended, SG No. 88/2005, SG No. 95/2005, amended and supplemented, SG No. 105/2005, amended, SG No. 30/2006, amended and supplemented, SG No. 65/2006, amended, SG No. 82/2006, supplemented, SG No. 99/2006, amended, SG No. 102/2006, SG No. 105/2006, SG No. 31/2007, SG No. 41/2007, amended and supplemented, SG No. 89/2007) the words "minister of agriculture and forestry" shall be replaced by "minister of agriculture and food supply".

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Act to Amend and Supplement the Environmental Protection Act

#### SUPPLEMENTARY PROVISION

(Promulgated, State Gazette No. 52/2008)

§ 37. Throughout the Act the words:

1. "The Minister of Environment and Water or an official authorized thereby", "The Minister of Environment and Water or officials authorized thereby" and "The Minister of Environment and Water, the authorities covered under Paragraph (2) or officials authorized thereby" shall be replaced, respectively, by "The Minister of Environment and Water or a person empowered thereby", "The Minister of Environment and Water or persons empowered thereby" and "The Minister of Environment and Water, the authorities covered under Paragraph (2) or persons empowered thereby";
2. "the Ministry of State Policy for Disasters and Accidents", "the Minister of State Policy for Disasters and Accidents" and "the Minister of Agriculture and Food Supply" shall be replaced, respectively, by "the Ministry of Emergency Situations", "the Minister of Emergency Situations" and "the Minister of Agriculture and Food".

Act to Amend and Supplement the Environmental Protection Act

(Promulgated, State Gazette No. 105/2008)

## TRANSITIONAL AND FINAL PROVISIONS

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§ 11. Within three months after the entry into force of this Act, the Council of Ministers shall adopt the requisite revisions of the statutory instruments of secondary legislation on the application thereof.

Act to Amend and Supplement

The Ministry of Interior Act

(State Gazette No. 93/2009, effective 24.12.2009)

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## Supplementary Provision

§ 59. (Effective 24.11.2009, SG No. 93/2009) This Act introduces:

1. The Convention on the establishment of a European Police Office (Europol) adopted on 26 July 1995 (ratified by law, State Gazette No. 105 of 2006) ([Convention] not promulgated) and Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime.
2. Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union.

## Transitional and Final Provisions

§ 60. Upon entry into force of this Act, the existing civil service relationships of civil servants employed in the Ministry of Interior shall be retained according to Article 87a of the Civil Servants Act.

§ 61. Upon entry into force of this Act, the existing employment relationships of persons working in the Ministry of Interior under employment contracts shall not be terminated according to with Article 123 of the Labour Code.

§ 62. (Effective 24.11.2009, SG No. 93/2009) Incumbent investigating police officers, who do not comply with the requirements of Article 217 (1) [of the Ministry of Interior Act], shall perform the investigation functions assigned thereto in the course of two years after the entry into force of this Act.

§ 63. (Effective 24.11.2009, SG No. 93/2009) The Ministry of Interior shall be a successor to the assets, liabilities, rights and obligations of the Ministry of Emergency Situations, rendered defunct by the National Assembly Resolution adopting the structure of the Council of Ministers of the Republic of Bulgaria (State Gazette No. 60 of 2009), as well as of any documents which are not subject to archiving according to the procedure established by the National Archives Stock Act.

§ 64. (Effective 24.11.2009, SG No. 93/2009) The following persons shall be appointed to the Ministry of Interior without a competition held to this effect and without meeting the specific requirements of Item 4 of Article 179 (1) and Article 179 (3) [of the Ministry of Interior Act]: civil servants employed under civil service relationships and employees employed under employment relationships with the Minister of Emergency Situations, who perform functions related to disaster protection and ensuring citizens' access to the emergency response services via the National Emergency Call System Employing the Single European Number "112" at the date of entry into force of the National Assembly Resolution adopting the structure of the Council of Ministers of the Republic of Bulgaria (State Gazette No. 60 of 2009), which rendered the Ministry of Emergency Situations defunct.

§ 65. (Effective 24.11.2009, SG No. 93/2009) Until 31 December 2009, the employees referred to in § 64 herein shall be paid the remunerations, supplements and clothing allowances as set according to the hitherto effective procedure.

§ 66. (Effective 24.11.2009, SG No. 93/2009) Upon entry into force of this Act, the existing civil service relationships of civil servants and the employment relationships of the persons working in the Special Courier Service under employment contracts shall not be terminated but shall be transformed, accordingly, into civil service or employment relationships of employees of the Ministry of the Interior, whereby the persons concerned shall be appointed to the same positions which they held at the time of transformation of the legal relations.

.....  
Act to Amend and Supplement the Environmental Protection Act

(Promulgated, State Gazette No. 103/2009)

#### TRANSITIONAL AND FINAL PROVISIONS

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§ 34. (1) Within three months after the entry into force of this Act, the Council of Ministers shall adopt the requisite revisions of the statutory instruments of secondary legislation on the application thereof.

(2) The statutory instruments of secondary legislation issued until the entry of this Act into force, which do not conflict with this Act, shall retain the effect thereof.

.....  
Act to Amend and Supplement the Environmental Protection Act

(Promulgated, State Gazette No. 46/2010, effective 18.06.2010, amended, SG No. 42/2011)

#### TRANSITIONAL AND FINAL PROVISIONS

§ 38. (1) Within six months after the entry into force of this Act, the Council of Ministers shall adopt the requisite amendments to the ordinances referred to in Items 1, 2, 3 and 5 of Article 131k [of the Environmental Protection Act].

(2) (Repealed, SG No. 42/2011).

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§ 40. This Act shall enter into force as from the day of promulgation thereof in the State Gazette.

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Act to Amend and Supplement the Environmental Protection Act

(Promulgated, State Gazette No. 42/2011)

TRANSITIONAL AND FINAL PROVISIONS

§ 26. Within six months after the entry into force of this Act, the Council of Ministers shall adopt the ordinance referred to in Article 131t (2) [of the Environmental Protection Act].

§ 27. Within six months after the entry into force of this Act, the Minister of Environment and Water shall issue the methodology referred to in Article 131r (4) [of the Environmental Protection Act], acting in consultation with the Minister of Economy, Energy and Tourism and with the Minister of Agriculture and Food.

§ 28. (1) Until the 31st day of December 2012, allowances for new entrants in the greenhouse gas emission allowance trading scheme shall be issued on the basis of a decision on allocation of allowances for new entrants of the Inter-departmental Working Group coordinating the implementation of the National Allocation Plan for Greenhouse Gas Emission Allowance Trading for the 2008-2012 Period and an order issued by the Minister of Environment and Water on allocation of allowances to the new entrant concerned.

(2) The Inter-departmental Working Group referred to in Paragraph (1) shall act pursuant to the Methodological Directions endorsed by Order No. RD-396 of the Minister of Environment and Water of 23 April 2010.

§ 29. The reports referred to in Article 131i (8) [of the Environmental Protection Act] for the period from the 1st day of January 2005 to the 31st day of December 2010 shall be presented at the Executive Environment Agency on or before the 15th day of July 2011.

§ 30. The provision of Article 97 (2) [of the Environmental Protection Act] shall furthermore apply to any EIA procedures which are not completed until the entry into force of this Act.

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§ 32. The provision of Article 131r (3) [of the Environmental Protection Act] shall enter into force as from the 1st day of September 2011, and the provision of Article 131t [of the Environmental Protection Act] shall enter into force as from the 1st day of January 2012.

Act to Amend and Supplement the Environmental Protection Act

(Promulgated, SG No. 32/2012, effective 24.04.2012)

§ 89. (1) Any procedures according to the procedure established by Chapter Six [of the Environmental Protection Act], which have commenced until the entry into force of this Act, shall be completed under the terms and according to the procedure established by this Act with the exception of such procedures as are at a stage after consultations on the determination of the scope of an EIA or of an environmental assessment, as the case may be, which shall be completed according to the hitherto effective procedure.

(2) In respect of any procedures according to the procedure established by Chapter Six [of the Environmental Protection Act], which have commenced until the entry into force of this Act, in which the competent authority has been changed, the entire documentation shall be delivered ex officio to the new competent authority within thirty days after the entry into force of this Act with the exception of the cases where:

1. the EIA procedure is at a stage after holding a public discussion meeting;
2. the procedure for evaluation of the need of conduct of EIA is at a stage after the submission of a request for evaluation.

(3) In the cases referred to in Items 1 and 2 of Paragraph (2), the procedures shall be completed by the competent authority which has commenced the procedure.

§ 90. Within six months after the entry into force of this Act, the Council of Ministers shall adopt the requisite revisions of the statutory instruments of secondary legislation on the application thereof.

§ 91. (Effective 1.01.2013) (1) The procedures for the granting of a permit referred to in Article 104 (1) [of the Environmental Protection Act] for upper-tier establishments, which have been commenced prior to the 1st January 2013, shall be completed according to the hitherto effective procedure.

(2) The procedures for the granting of a permit referred to in Article 104 (1) [of the Environmental Protection Act] for lower-tier establishments, which have been commenced prior to the 1st January 2013, shall be terminated by a decision of the Minister of Environment and Water.

(3) In the cases referred to in Paragraph (2), the Minister of Environment and Water or an official empowered thereby shall send the documentation submitted by the operators to the Director of the competent RIEW within whose territory the establishment is located.

(4) Within six months after the 1st day of January 2013, the Minister of Environment and Water shall revoke the permits granted under Article 104 (1) [of the Environmental Protection Act] for lower-tier establishments.

(5) The provisions of Article 103 [of the Environmental Protection Act] shall not apply to the establishments referred to in Paragraphs (1) and (2).

§ 92. Within six months after the entry into force of this Act, the operators of any installations which fall within the scope of activities listed in Annex 4 [to the Environmental Protection Act], Point 1.1 for activities with a total rated thermal input equal to 50 MW; Point 1.4 (b); Point 3.1 (a) concerning the activities for the production of cement clinker in kilns other than rotating kilns, with a production capacity exceeding 50 tonnes per day; Points 3.1 (c); Points 4.1 to 4.6 for activities concerning production by biological processing; Points 5.1 (a) to (e), (h) and (k); Point 5.2 (a); Point 5.3.1 (c) to (e), Point 5.3.2, 5.5 and 5.6, Point 6.1 (c), Point 6.4.2 (b) and (c) and Points 6.9, 6.10 and 6.11 shall be obligated to notify this in writing to the Ministry of Environment and Water.

§ 93. (1) The operators of any installations which were commissioned or which were granted a building permit prior to the entry into force of this Act and which fall within the scope of activities listed in Annex 4 [to the Environmental Protection Act], Point 1.1 for activities with a total rated thermal input equal to 50 MW; Point 1.4 (b); Points 4.1 to 4.6 for activities concerning production by biological processing; Points 5.1 (a) to (e), (h) and (k); Point 5.2 (a) with the exception of household waste; Point 5.3.1 (c) to (e), Point 5.3.2, 5.5 and 5.6, Point 6.1 (c), Point 6.4.2 (b) and (c) and Points 6.10 and 6.11 shall submit an application for the granting of an integrated permit according to Section II of Chapter Seven [of the Environmental Protection Act] not later than the 31st day of January 2013.

(2) The deadline for compliance with the conditions set in the integrated permits as granted for existing installations covered under Paragraph (1) shall be the 7th day of July 2015.

.....

§ 98. This Act shall enter into force as from the day of promulgation thereof in the State Gazette, with the exception of the provisions of:

1. § 20 to 42, § 75 and § 91 herein, which shall enter into force as from the 1st day of January 2013;

2. § 43 to 58, § 87 and § 88, which shall enter into force as from the 7th day of January 2014 for the operators:

(a) of any installations which were commissioned and hold an integrated permit prior to the 7th day of January 2013 and which carry out activities under Annex 4 [to the Environmental Protection Act]:

(aa) Point 1.1: for activities with a rated thermal input exceeding 50 MW;

(bb) Points 1.2, 1.3, 1.4 (a), Points 2.1 to 2.6, 3.1 to 3.5;

(cc) Points 4.1 to 4.6: for activities concerning production by chemical processing;

(dd) Points 5.1 (f), (g), (i) and (j) and 5.2 (a): for household waste only;

(ee) Points 5.3.1 (a) and (b), 5.4, 6.1 (a) and (b), 6.2, 6.3, 6.4.1, 6.4.2 (a), 6.4.3 and 6.5 to 6.9;

(b) whose application for the granting of an integrated permit was approved not later than the 7th day of January 2013 and the facilities subject to the application will be commissioned not later than the 7th day of January 2014.

Act to Amend and Supplement the Civil Servants Act

(Promulgated, SG No. 38/2012, effective 1.07.2012)

## TRANSITIONAL AND FINAL PROVISIONS

.....  
§ 84. (Effective 18.05.2012 - SG No. 38/2012) Within one month after the promulgation of this Act in the State Gazette:

1. the Council of Ministers shall bring the Classifier of Positions in the Administration into conformity with this Act;
2. the competent authorities shall bring the organic acts of the respective administration into conformity with this Act.

§ 85. (1) The legal relationships with the persons of the administrations under the Radio and Television Act , the Independent Financial Audit Act , the Electronic Communications Act , the Financial Supervision Commission Act , the Access to and Disclosure of the Documents and Announcing the Affiliation of Bulgarian Citizens with the State Security Service and the Intelligence Services of the Bulgarian Popular Army Act , the Criminal Assets Forfeiture Act , the Conflict of Interest Prevention and Ascertainment Act , the Social Insurance Code , the Health Insurance Act , the Agricultural Producers Support Act and the Roads Act shall be settled under the terms established by § 36 of the Transitional and Final Provisions of the Act to Amend and Supplement the Civil Servants Act (State Gazette No. 24 of 2006).

(2) The act on appointment of the civil servant shall:

1. award the lowest rank designated in the Classifier of Positions in the Administration for occupation of the position, unless the servant holds a higher rank;
2. fix an individual monthly basic salary.

(3) The additional resources required for social and health insurance contributions of the persons referred to in Paragraph (2) shall be provided within the limits of the expenditures on salaries, remunerations and compulsory social and health insurance contributions under the budgets of the spending units concerned.

(4) The Council of Ministers shall effect the requisite modifications under the off-budget account of State Fund Agriculture arising from this Act.

(5) The governing bodies of the National Social Security Institute and of the National Health Insurance Fund shall effect the requisite modifications under the respective budgets arising from this Act.

(6) Any unused leaves under the employment relationships shall be retained and shall not be compensated by cash compensations.

§ 86. (1) Within one month after the entry into force of this Act, the individual monthly basic salary of the servant shall be fixed in such a way that the said salary, net of the tax due and the compulsory social and health insurance contributions for the account of the insured person, if they were due, would not be lower than the gross monthly salary received theretofore, net of the compulsory social and health insurance contributions for the account of the insured person, if they were due, and

the tax due.

(2) The gross salary referred to in Paragraph (1) shall include:

1. the monthly basic salary or the monthly basic remuneration;
2. supplementary remunerations which are paid constantly together with the monthly basic salary or monthly basic remuneration due and which are contingent solely on the time worked.

§ 87. This Act shall enter into force as from the 1st day of July 2012 with the exception of § 84 herein, which shall enter into force as from the day of promulgation of the Act in the State Gazette.

#### TRANSITIONAL AND FINAL PROVISIONS to the Public Finance Act

(SG No. 15/2013, effective 1.01.2014)

.....

§ 10. (1) As of the date of entry into force of this Act budget account of art. 142B of the Act for the protection of the environment are considered to account for funds from the European Union under Art. 8, para. 4.

(2) By the account under par. 1 is carried out operations following the conclusion of the date of entry into force of this Law and other international treaties. After their completion bank accounts are closed and the money in them is transferred to the budget of the enterprise management activities on the environment of art. 60 of the Law on Environmental Protection.

(3) Revenues from sales of assigned amount units, except those referred to in para. 2 are received and available for spending through the budget of enterprise management activities to protect the environment of art. 60 of the Law on Environmental Protection.

.....

#### TRANSITIONAL AND FINAL PROVISIONS

to the Act on Amendment and Supplement of Spatial Development Act

(SG No. 66/2013, effective 26.07.2013)

.....

§ 76. The Environmental Protection Act (promulgated, SG No. 91/2002, amended, SG No. 98/2002, SG No. 86/2003, SG No. 70/2004, SG No. 74, 77, 88, 95 and 105/2005, SG No. 30, 65, 82, 99, 102, 105/2006, SG No. 31, 41 and 89/2007, SG No. 36, 52 and 105/2008, SG No. 12, 19, 32, 35, 47, 82, 93 and 103/2009, SG No. 46 and 61/2010, SG No. 35 and 42/2011, SG No. 32, 38, 53 and 82/2012, SG No. 15 and 27/2013) everywhere the words "the Minister of Regional Development and Public Works" is replaced with "Minister of Regional Development."

.....

§ 117. This Act shall enter into force on the day of its publication in the "State Gazette".

#### TRANSITIONAL AND FINAL PROVISIONS

to the Climate Change Mitigation Act

(SG No. 22/2014, effective 11.3.2014)

.....



§ 13. Normative acts issued pursuant to the provisions of the Environmental repealed by § 11 shall remain in force until the adoption of the ordinance under Article 5, to the extent not inconsistent with this Act.

.....

## TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Spatial Development Act

(SG No. 98/2014, effective 28.11.2014)

.....

§ 76. In the Environmental Protection Act (promulgated SG, No. 91/2002, corrected, No. 98/2002, amended No. 86/2003, No. 70/2004, Nos. 74, 77, 88, 95 and 105/2005, Nos. 30, 65, 82, 99, 102 and 105/2006, Nos. 31, 41 and 89/2007, Nos. 36, 52 and 105/2008, Nos. 12, 19, 32, 35, 47, 82, 93 and 103/2009, Nos. 46 and 61/2010, Nos. 35 and 42/2011, Nos. 32, 38, 53 and 82/2012, Nos. 15 and 27/2013, No. 22/2014) everywhere in the text the words "Minister of Regional Development" shall be replaced by "Minister of Regional Development and Public Works".

.....

### **Annex 1**

to Item 1 of Article 92

(Amended, SG No. 77/2005,  
SG No. 52/2008,  
SG No. 32/2012,  
effective 24.04.2012)

#### Development proposals:

1. Crude-oil refineries (excluding undertakings manufacturing only lubricants from crude oil) and installations for the gasification and liquefaction of 500 tonnes or more of coal or bituminous shale per day.

2.1. Thermal power stations and other combustion installations with a heat output of 50 megawatts or more, and

2.2. Nuclear power stations and other nuclear reactors including the dismantling or decommissioning of such power stations or reactors, except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load.

3.1. Installations for the reprocessing of irradiated nuclear fuel.

3.2. Installations designed.

(a) for the production or enrichment of nuclear fuel;

(b) for the processing of irradiated nuclear fuel or high-level radioactive waste;

(c) for the final disposal of irradiated nuclear fuel;

(d) solely for the final disposal of radioactive waste;

(e) solely for the storage (planned for more than 10 years) of irradiated nuclear fuels or radioactive waste in a different site than the production site.

4. Integrated works for the production of pig iron or steel (primary or secondary fusion) including

continuous casting.

5. Ferrous metal foundries with a production capacity exceeding 20 tonnes per day

6. Installations for the processing of ferrous metals:

(a) hot-rolling mills with a capacity exceeding 20 tonnes of crude steel per hour;

(b) smitheries with hammers the energy of which exceeds 50 kilojoule per hammer, where the calorific power used exceeds 20 MW;

(c) application of protective fused metal coats with an input exceeding 2 tonnes of crude steel per hour.

7. Installations for:

(a) the production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes;

(b) the smelting, including the alloying, of non-ferrous metals, with a melting capacity exceeding 4 tonnes per day for lead and for cadmium or 20 tonnes per day for all other metals.

8. Installations for surface treatment of metals and plastic materials using an electrolytic or chemical process, where the volume of the treatment vat exceeds 30 cubic metres.

9. Installations for the extraction and for the processing of asbestos and products containing asbestos:

(a) for asbestos-cement products, with an annual production of more than 20,000 tonnes of finished products;

(b) for friction material, with an annual production of more than 50 tonnes of finished products;

(c) for other uses of asbestos, utilising more than 200 tonnes per year.

10. Integrated chemical installations for the manufacture on an industrial scale of chemical substances, using chemical conversion processes, in which several units are functionally linked to one another and which are:

(a) for the production of basic organic chemicals;

(b) for the production of basic inorganic chemicals;

(c) for the production of phosphorous-, nitrogen- or potassium-based fertilisers (simple or compound fertilisers);

(d) for the production of basic plant health products and of biocides;

(e) for the production of basic pharmaceutical products using a chemical or biological process;

(f) for the production of explosives;

(g) for the production of protein animal-feed additives, enzymes and other proteins using chemical or biological conversion in the manufacturing process.

11. Industrial plants for the production of:

(a) pulp from timber or similar fibrous materials;

(b) paper and board with a production capacity exceeding 200 tonnes per day.

12. Installations for the production of cement clinker in rotary kilns with a production capacity exceeding 500 tonnes per day or of lime in rotary kilns with a production capacity exceeding 50 tonnes per day or in other furnaces with a production capacity exceeding 50 tonnes per day.

13. Installations for the manufacture of glass, including glass fibre, with a melting capacity exceeding 20 tonnes per day.

14. Installations for melting mineral substances, including the production of mineral fibres, with a melting capacity exceeding 20 tonnes per day.

15. Installations for the manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain, with a production capacity exceeding 75 tonnes per day, and/or with a kiln capacity exceeding 4 cubic metres and with a setting density per kiln exceeding 300 kilograms per cubic metre.

16. Plants for the pre-treatment (operations such as: washing, bleaching, mercerization) or dyeing of fibres and/or textiles, where the treatment capacity exceeds 10 tonnes per day.

17. Plants for the tanning of hides and skins, where the treatment capacity exceeds 12 tonnes of finished products per day.

18. Installations for surface treatment of substances. Installations for surface treatment of substances, objects or products using organic solvents, in particular for dressing, printing, coating, degreasing, waterproofing, sizing, painting, cleaning or impregnating, with an organic solvent consumption capacity of more than 150 kilograms per hour or more than 200 tonnes per year.

19.1. Slaughterhouses with a carcass production capacity greater than 50 tonnes per day.

19.2. Installations for the treatment and processing of raw materials intended for the production of food products from:

(a) animal raw materials (other than milk), with a finished product production capacity exceeding 75 tonnes per day;

(b) vegetable raw materials, with a finished product production capacity exceeding 300 tonnes per day (average value on a quarterly basis).

19.3. Treatment and processing of milk, the quantity of milk received exceeding 200 tonnes per day (average value on an annual basis).

20. Installations for the disposal or recycling animal carcasses and animal waste, with a capacity exceeding 10 tonnes per day.

21. Farms for the intensive rearing of poultry and pigs with more than:

(a) 40,000 places for the rearing of broilers, 40,000 places for layer hens;

(b) 2,000 places for the rearing of production pigs (over 30 kg), or

(c) 750 places for sows.

22.1. Construction of railway trunk lines and Category I railway lines (lines for long-distance railway traffic) and of airports with a basic runway length of 2,100 metres or more.

22.2. Construction of motorways and 1st Class roads.

22.3. Construction of a new road of four or more lanes, or realignment and/or widening of an existing road of two lanes or less so as to provide four or more lanes, where such new road, or realigned and/or widened section of road would be 10 kilometres or more in a continuous length.

23.1. Inland waterways and public transport ports which permit the passage of vessels of over 1,350 gross tonnes.

23.2. Trading ports, terminals for loading and unloading connected to land and public-transport ports (excluding ferry terminals) which can take vessels of over 1,350 gross tonnes.

24. Installations for the disposal of hazardous waste through incineration, chemical treatment or the deposit into or onto land within the meaning given by the Waste Management Act.

25. Installations with a capacity exceeding 100 tonnes per 24 hours for the disposal of non-hazardous waste through incineration or chemical treatment within the meaning given by the Waste Management Act.

26. Groundwater abstraction or artificial groundwater recharge schemes, where the annual volume of water abstracted or recharged is equal to or exceeds 10 million cubic metres.

27.1. Works for the transfer of water resources between river basins where this transfer aims at preventing possible shortages of water and where the amount of water transferred exceeds 100 million cubic metres per year.

27.2. In all other cases, works for the transfer of water resources between river basins, where the average annual (multi-annual average) flow of the basin of abstraction exceeds 2,000 million cubic metres per year.

In the cases referred to in Points 27.1 and 27.2, transfers of piped drinking water are excluded.

28. Wastewater treatment plants with a capacity exceeding 150,000 population equivalent.

29. Extraction of petroleum or natural gas for commercial purposes where the amount extracted exceeds 500 tonnes per day in the case of petroleum and 500,000 cubic metres per day in the case of natural gas.

29.1. Drilling for exploration and production of unconventional hydrocarbons, including shale gas.

30. Dams and other installations designed for the permanent holding back or storage of water, where a new or additional amount of water held back or stored exceeds 10 million cubic metres.

31. Pipelines with a diameter of more than 800 millimetres and a length of more than 40 kilometres:

(a) for the transport of gas, oil, chemical substances and mixtures;

(b) for the transport of carbon dioxide (CO<sub>2</sub>) streams for the purposes of geological storage, including associated compressor stations.

32. Installations for the storage of 200,000 tonnes or more petroleum, petrochemical, or chemical products.

33. Construction of overhead electrical power lines with a voltage of 220 kilovolts or more and a length of more than 15 kilometres.

34. Quarries and open-cast mining, where the surface of the site exceeds 25 hectares, or peat extraction, where the surface of the site exceeds 150 hectares.

35. Tourism and leisure:

(a) holiday villages, hotel complexes outside urban areas on a total surface area exceeding 1 hectare and associated developments;

(b) ski-runs, ski-lifts, cable-cars of a total length exceeding 1,000 metres and associated developments;

(c) sports, recreation or amusement complexes outside urban areas on a total surface area exceeding 2 hectares.

36. Installations for the capture of CO<sub>2</sub> streams for the purposes of geological storage from installations covered by this Annex, or where the total yearly capture of CO<sub>2</sub> is 1.5 megatonnes or more.

37. Installations for geological storage of CO<sub>2</sub>.

38. Any change to or extension of a development proposal included in this Annex, where such a change or extension in itself meets the thresholds, if any, set out in this Annex.

**Annex 2**  
to Items 1 and 2 of

Article 93 (1)

(Amended, SG No. 77/2005,  
amended and supplemented,  
SG No. 32/2012, effective 24.04.2012)

### Development proposals

1. Agriculture, silviculture and aquaculture:

(a) restructuring of rural land holdings;

(b) use of uncultivated land or semi-natural areas for intensive agricultural purposes;

(c) water management projects for agriculture, including irrigation and land drainage projects;

(d) initial afforestation and deforestation for the purposes of conversion to another type of land use;

(e) intensive livestock installations (development proposals not included in Annex 1);

(f) intensive fish farming;

(g) reclamation of land from the sea;

(h) (repealed, SG No. 32/2012, effective 24.04.2012).

2. Extractive industry:

(a) quarries, open-cast mining and peat extraction (not included in Annex 1);

(b) (amended, SG No. 32/2012, effective 24.04.2012) underground mining;

(c) (amended, SG No. 32/2012, effective 24.04.2012) extraction of inert materials by fluvial,

lacustrine or marine dredging;

(d) (amended, SG No. 32/2012, effective 24.04.2012) deep drillings, in particular:

— geothermal

— for the storage of nuclear waste material

— for water supplies,

with the exception of drillings for investigating the stability of the geological foundation;

(e) extraction of coal, petroleum, natural gas, ores and bituminous shale;

(f) (new, SG No. 32/2012, effective 24.04.2012) all exploratory drillings for oil and natural gas.

### 3. Energy industry:

(a) industrial installations for the production of electricity, steam and hot water (not included in Annex 1);

(b) industrial installations for carrying gas, steam and hot water, transmission of electrical energy by overhead cables (not included in Annex 1);

(c) installations for surface storage of natural gas;

(d) installations for underground storage of combustible gases;

(e) installations for surface storage of fuels;

(f) industrial briquetting of coal;

(g) installations for the processing and storage of radioactive waste (not included in Annex 1);

(h) installations for hydroelectric energy production;

(i) installations for the harnessing of wind power for energy production (wind farms);

(j) (new, SG No. 32/2012, effective 24.04.2012) installations for the capture of CO<sub>2</sub> streams for the purposes of geological storage from installations not covered by Annex 1.

### 4. Production and processing of metals

(a) installations for the production of pig iron or steel (primary or secondary fusion) including continuous casting (not included in Annex 1);

(b) installations for the processing of ferrous metals (not included in Annex 1):

- hot-rolling mills;

- smitheries with hammers;

- application of protective fused metal coats;

(c) ferrous metal foundries (not included in Annex 1);

(d) installations for the smelting, including the alloyage, of non-ferrous metals (excluding precious metals), drawing, moulding and rolling of ferrous-metal and alloy products (not included in Annex 1);

(e) installations for surface treatment of metals and plastic materials using an electrolytic or chemical process (not included in Annex 1);

(f) manufacture and assembly of motor vehicles and manufacture of motor vehicle engines;

(g) shipyards;

(h) construction and repair of aircraft;

(i) manufacture of railway equipment;

(j) swaging by explosives;

(k) installations for the roasting and sintering of metallic ores.

#### 5. Mineral industry:

(a) coke ovens (dry coal distillation);

(b) installations for the manufacture of cement (not included in Annex 1);

(c) installations for the production of asbestos and the manufacture of asbestos-based products (not included in Annex 1);

(d) installations for the manufacture of glass, including glass fibre (not included in Annex 1);

(e) installations for smelting mineral substances, including the production of mineral fibres (not included in Annex 1);

(f) installations for manufacture of ceramic products by burning, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain (not included in Annex 1).

#### 6. Chemical industry installations (not included in Annex 1):

(a) (amended, SG No. 32/2012, effective 24.04.2012) processing of intermediate products and production of chemical substances and mixtures;

(b) installations for the production of pesticides and pharmaceutical products, paint and varnishes, elastomers and peroxides;

(c) storage facilities for petroleum, petrochemical and chemical products.

#### 7. Food industry establishments (not included in Annex 1):

(a) manufacture of vegetable and animal oils and fats;

(b) canning of plant and animal products;

(c) manufacture of dairy products;

(d) brewing and malting;

(e) confectionery and syrup manufacture;

(f) installations for the slaughter of animals;

(g) industrial starch manufacturing;

(h) fish-meal and fish-oil factories;

(i) sugar factories.

8. Textile, leather, wood and paper industries:

(a) industrial plants for the production of paper and board (not included in Annex 1);

(b) (amended, SG No. 32/2012, effective 24.04.2012) plants for the pre-treatment (operations such as washing, bleaching, mercerization) or dyeing of fibres or textiles (not included in Annex 1);

(c) tanning of hides and skins (not included in Annex 1);

(d) cellulose-processing and production installations.

9. Rubber industry. Manufacture and treatment of elastomer-based products.

10. Infrastructure development proposals:

(a) industrial estate development projects;

(b) urban development projects, including the construction of shopping centres and car parks;

(c) construction of railways and intermodal transshipment facilities, and of intermodal terminals (not included in Annex 1);

(d) construction of airfields (not included in Annex 1);

(e) construction of roads (not included in Annex 1);

(f) (amended, SG No. 32/2012, effective 24.04.2012) construction of harbours, port installations, including fishing harbours (not included in Annex 1);

(g) inland-waterway construction, canalization and flood-relief works;

(h) dams and other installations designed to hold water or store it on a long-term basis (not included in Annex 1);

(i) tramways, underground and elevated railways, suspended lines used exclusively or mainly for passenger transport;

(j) (amended, SG No. 32/2012, effective 24.04.2012) oil and gas pipelines and associated installations, as well as pipelines for the transport of CO<sub>2</sub> streams for the purposes of geological storage (not included in Annex 1);

(k) long-distance aqueducts;

(l) coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works;

(m) (amended, SG No. 32/2012, effective 24.04.2012) groundwater abstraction and artificial groundwater recharge schemes (not included in Annex 1);

(n) works for the transfer of water resources between river basins (not included in Annex 1).

11. Other development proposals:

(a) permanent racing and test tracks for motor vehicles;



- (b) installations and landfills for the disposal of waste (not included in Annex 1);
- (c) waste-water treatment plants (not included in Annex 1);
- (d) sludge-deposition sites;
- (e) storage of scrap iron, including scrap vehicles;
- (f) test benches for engines, turbines or reactors;
- (g) manufacture of artificial mineral fibres (not included in Annex 1);
- (h) installations for the safe disposal or destruction of explosive substances;
- (i) installations for the safe disposal or recovery of animal carcasses and animal waste (not included in Annex 1);
- (j) plants for packaging of plant protection products;
- (k) storage facilities for plant protection products;

## 12. Tourism and leisure:

- (a) (amended, SG No. 32/2012, effective 24.04.2012) Ski-runs, ski-lifts and cable-cars and associated developments;
- (b) marinas;
- (c) holiday villages, hotel complexes outside urban areas and associated developments (not included in Annex 1);
- (d) permanent camp sites and caravan sites;
- (e) theme parks;
- (f) (new, SG No. 32/2012, effective 24.04.2012) sports, recreation or amusement complexes outside urban areas.

## **Annex 3**

to Article 103 (1)

(Amended, SG No. 77/2005,  
SG No. 32/2012, effective 24.04.2012)

1. This Annex applies to determine the presence of dangerous substances at any establishment and/or installation for the purposes of classifying it as a "lower-tier establishment and/or installation" or an upper-tier establishment and/or installation" by the operator and for implementation of the requirements of Chapter 7, Section I.

2. The operator of a new or operational establishment and/or installation in which dangerous substances are used and/or stored in quantities equal to or exceeding the quantities listed in Tables 1 and 3, column 2 of the Annex shall be obliged to classify it as a "lower-tier establishment and/or installation", and the operator of a new or operational establishment and/or installation in which dangerous substances are used and/or stored in quantities equal to or exceeding the quantities listed in Tables 1 and 3, column 3 shall be obliged to classify it as an "upper-tier establishment and/or installation". All requirements of the Annex shall be complied with when calculating the quantities of dangerous substances.

3. The classification referred to in Item 2 shall determine the obligations of the operators under Article 110 (1) and Article 116a.

4. Mixtures and preparations shall be treated in the same way as pure substances provided they remain within concentration limits set according to their properties under the criteria indicated in the Ordinance Establishing the Procedure and Manner for Classifying, Packaging and Labelling of Chemical Substances and Preparations (promulgated in the State Gazette No. 5 of 2003; amended and supplemented in No. 66 of 2004, Nos. 50 and 57 of 2005, No. 20 of 2007 and Nos. 4 and 51 of 2008), or in the Ordinance on Plant Protection Products Authorization (State Gazette No. 81 of 2006), introducing the requirements of the European directives indicated in Item 1 of the notes to Table 3, unless a percentage composition or other description is specifically given.

5. The quantities set out in the tables below relate to all establishments and/or installations.

6. For the purpose of classifying the establishment and/or installation, the maximum quantities of dangerous substances which are present or are likely to be present at any one time on the site of the establishment and/or installation must be considered. Dangerous substances in quantities present in quantities equal to or less than 2% of the relevant quantities indicated in the tables may be ignored for the purposes of calculating the total quantity of dangerous substances present according to the procedure established by Item 4 of the notes to Table 3 if their location within the establishment and/or installation is such that it cannot act as an initiator of a major accident elsewhere on the site of the establishment and/or installation.

7. The rules governing the addition of dangerous substances according to the procedure established by Item 4 of the notes to Table 3 shall apply where appropriate.

8. For the purposes of classification in accordance with the Annex, gas shall be any substance which has an absolute vapour pressure equal to or exceeding 101.3 kPa at a temperature of 20°C.

9. For the purposes of classification in accordance with the Annex, liquid shall be any substance which is not a gas and which is not a solid at a temperature of 20°C and a standard pressure of 101.3 kPa.

Where one or more dangerous substances present in the establishment and/or installation is or are named in Table 1 and is or are classified in one or more hazard categories in accordance with Table 3, the qualifying quantities indicated in Table 1 shall apply.

Table 1		
Named substances		
Dangerous substances	Qualifying quantity (tonnes)	
	Lower tier	Upper tier
1	2	3
Ammonium nitrate (see note 1)	5,000	10,000
Ammonium nitrate (see note 2)	1,250	5,000
Ammonium nitrate (see note 3)	350	2,500
Ammonium nitrate (see note 4)	10	50

Potassium nitrate (see note 5)	5,000	10,000
Potassium nitrate (see note 6)	1,250	5,000
Arsenic (V) oxide, arsenic (V) acid and/or their salts	1	2
Arsenic (III) oxide, arsenic (III) acid and/or their salts		0.1
Bromine	20	100
Chlorine	10	25
Nickel compounds in inhalable powder form (nickel monoxide, nickel dioxide, nickel sulphide, trinickel disulphide, dinickel trioxide)		1
Ethyleneimine	10	20
Fluorine	10	20
Formaldehyde (concentration D 90 per cent)	5	50
Hydrogen	5	50
Hydrogen chloride (liquefied gas)	25	250
Lead alkyls	5	50
Liquefied extremely flammable gases (including liquefied petroleum gas) and natural gas	50	200
Acetylene	5	50
Ethylene oxide	5	50
Propylene oxide	5	50
Methanol	500	5,000
4, 4-Methylenebis (2-chloraniline) and/or salts, in powder form		0.01
Methylisocyanate		0.15
Oxygen	200	2,000
Toluene diisocyanate	10	100
Carbonyl dichloride (phosgene)	0.3	0.75
Arsenic hydride (arsine)	0.2	1
Phosphorus trihydride (phosphine)	0.2	1
Sulphur dichloride	1	1
Sulphur trioxide	15	75

Polychlorodibenzofurans and polychlorodibenzodioxins (including TCDD), calculated in TCDD equivalent		0.001
<p>The following carcinogenic substances at concentrations above 5% by weight:</p> <p>4-aminobiphenyl and/or its salts, benzotrichloride, benzidine and/or salts, bis (chloromethyl) ether, chloromethyl methyl ether, 1,2-dibromomethane, diethyl sulphate, dimethyl sulphate, dimethylcarbamoyl chloride, 1,2-dibromo-3-chloropropane, 1,2-dimethylhydrazine, dimethylnitroamine, hexamethylphosphoric triamide, hydrazine, 2-naphthylamine and/or salts, 4-nitrodiphenyl and 1,3-propanesultone.</p>	0.5	2
<p>Petroleum products:</p> <p>(a) gasolines and naphthas;</p> <p>(b) kerosenes (including jet fuels);</p> <p>(c) gas oils (including diesel fuels, home heating oils and gas oil blending streams)</p>	2,500	25,000

#### Notes:

##### 1. Ammonium nitrate (5,000/10,000): fertilisers capable of self-sustaining decomposition

This applies to ammonium nitrate-based compound/composite fertilisers (compound/composite fertilisers containing ammonium nitrate with phosphate and/or potash), which are capable to self-sustaining decomposition and in which the nitrogen content is:

- between 15.75% by weight (15.75% nitrogen content by weight as a result of ammonium nitrate corresponds to 45% ammonium nitrate) and 24.5% by weight (24.5% nitrogen content by weight corresponds to 70% ammonium nitrate) and with not more than 0.4 per cent total combustible/organic materials which fulfil the requirements of Annex 3 to Articles 23 and 27 of the Ordinance Establishing Special Requirements for Fertiliser Composition, Packaging, Labelling, Sampling and Analysis Methods, adopted by Council of Ministers Decree No. 5 of 2003 (State Gazette No. 10 of 2003), introducing the requirements of Directive 80/876/EEC;

- 15.75% by weight or less and unrestricted combustible materials and capable of self-sustaining decomposition according to the UN Trough Test (see United Nations Recommendations on the Transport of Dangerous Goods: Manual of Tests and Criteria, Part III, subsection 38.2).

##### 2. Ammonium nitrate (1,250/5,000): fertiliser grade

This applies to straight ammonium nitrate-based fertilisers and to ammonium nitrate-based compound/composite fertilisers in which the nitrogen content as a result of ammonium nitrate is:

- more than 24.5% by weight, except for mixtures of ammonium nitrate with dolomite, limestone and/or calcium carbonate with a purity of at least 90%;

- more than 15.75% by weight for mixtures of ammonium nitrate and ammonium sulphate;

- more than 28% by weight (28% nitrogen content by weight as a result of ammonium nitrate corresponds to 80% ammonium nitrate) for mixtures of ammonium nitrate with dolomite, limestone and/or

calcium carbonate with a purity of at least 90%, and

which fulfil the requirements of Annex 3 to Articles 23 and 27 of the Ordinance Establishing Special Requirements for Fertiliser Composition, Packaging, Labelling, Sampling and Analysis Methods.

3. Ammonium nitrate (350/2,500): technical grade

This applies to:

- ammonium nitrate and preparations of ammonium nitrate in which the nitrogen content as a result of the ammonium nitrate is:
  - between 24.5% and 28% by weight, and which contain not more than 0.4% combustible substances;
  - more than 28% by weight, and which contain not more than 0.2% combustible substances;
  - aqueous ammonium nitrate solutions in which the concentration of ammonium nitrate is more than 80% by weight.

4. Ammonium nitrate (10/50): ‘off-specs’ material and fertilisers not fulfilling the detonation test

This applies to:

- material rejected (discarded) during the manufacturing process, ammonium nitrate and preparations of ammonium nitrate, straight ammonium nitrate-based fertilisers and ammonium nitrate-based compound/composite fertilisers referred to in Items 2 and 3 that are returned from the final user to a manufacturer, temporary storage or reprocessing plant for reworking, recycling or treatment for safe use, because they no longer comply with the specifications of Items 2 and 3;
- fertilisers referred to in Item 1, first indent, and in Item 2, which do not fulfil the requirements of Annex No. 3 to Articles 23 and 27 of the Ordinance Establishing Special Requirements for Fertiliser Composition, Packaging, Labelling, Sampling and Analysis Methods (promulgated in the State Gazette No. 10 of 2003; amended in No. 105 of 2005).

5. Potassium nitrate (5000/10000): composite potassium nitrate-based fertilisers in which the potassium nitrate is in crystalline form.

6. Potassium nitrate (1250/5000): composite potassium nitrate-based fertilisers in which the potassium nitrate is in crystalline form.

7. Polychlorodibenzofurans and polychlorodibenzodioxins

The quantities of polychlorodibenzofurans and polychlorodibenzodioxins shall be calculated using the following factors:

Table 2			
International Toxic Equivalent Factors (ITEF) for congeners of concern (NATO/CCMS)			
2,3,7,8-TCDD	1	2,3,7,8-TCDF	0,1
1,2,3,7,8-PeDD	0,5	2,3,4,7,8-PeCDF	0,5

		1,2,3,7,8-PeCDF	0,05
1,2,3,4,7,8-HxCDD	0,1		
1,2,3,6,7,8-HxCDD	0,1	1,2,3,4,7,8-HxCDF	0,1
1,2,3,7,8,9-HxCDD	0,1	1,2,3,7,8,9-HxCDF	0,1
		1,2,3,6,7,8-HxCDF	0,1
1,2,3,4,6,7,8-HpCDD	0,01	2,3,4,6,7,8-HxCDF	0,1
OCDD	0,001	1,2,3,4,6,7,8-HPCDF	0,01
		1,2,3,4,7,8,9-HPCDF	0,01
		OCDF	0,001
(T = tetra, P = penta, Hx = hexa, HP = hepta, O = octa)			

Table 3

## Categories of substances and preparations not named in Table 1

Categories of dangerous substances		Qualifying quantity (tonnes)	
		Dangerous substances	Dangerous substances
1		2	3
1.	Very toxic	5	20
2.	Toxic	50	200
3.	Oxidizing	50	200
4.	Explosive (see note 2) where the substance, preparation or article falls under UN/ADR Division 1.4	50	200
5.	Explosive (see note 2) where the substance, preparation or article falls under any of UN/ADR Divisions 1.1, 1.2, 1.3, 1.5 or 1.6 or risk phrase R2 or R3	10	50
6.	Flammable	5,000	50,000

	(where the substance or preparation falls within the definition given in note 3(a))		
7a.	Highly flammable (where the substance or preparation falls within the definition given in note 3(b) (1))	50	200
7b.	Highly flammable liquids (where the substance or preparation falls within the definition given in note 3(b) (2))	5,000	50,000
8.	Extremely flammable (where the substance or preparation falls within the definition given in note 3(c))	10	50
9.	Dangerous for the environment, in combination with the following risk phases:		
	(a) R50: Very toxic to aquatic organisms“ (including R50/53)	100	200
	(b) R51/53: Toxic to aquatic organisms; may cause long-term adverse effects in the aqueous environment“	200	500
10.	Any classification not covered by those given above in combination with the following risk phrases:		
	(a) R14: “Reacts violently with water (including R14/15)	100	500
	(b) R29: “In contact with water, liberates toxic gas	50	200

#### Notes:

1. Substances and preparations shall be classified in accordance with the requirements of the Protection against the Harmful Impact of Chemical Substances and Preparations Act and the Ordinance Establishing the Procedure and Manner for Classifying, Packaging and Labelling of Chemical Substances and Preparations, which introduced the following directives and their adaptations to technical progress: Council Directive 67/548/EEC of 27 June 1967 on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (1) and Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations (2).

When substances which are present or are likely to be present in the establishment and/or installation are not classified as dangerous under Article 2 of the Protection against the Harmful Impact of Chemical Substances and Preparations Act, for example waste, but nevertheless in the conditions of production, use or storage in the establishment and/or installation they have or are likely to have se a hazard and possess or are likely to possess equivalent properties in terms of major-accident potential, the temporary packaging and labelling provisions in accordance with the requirements of the Ordinance Establishing the Procedure and Manner for Classifying, Packaging and Labelling of Chemical Substances and Preparations shall be applied.

When dangerous substances present in the establishment and/or installation are classified in more than one hazard category, the hazard category with the lowest qualifying quantities in accordance with Table 3 of the Annex shall apply. For the application of Item 4 of the notes, the qualifying quantity used shall be the one corresponding to the classification concerned.

2. An "explosive" shall mean:

- a substance or preparation which creates the risk of an explosion by shock, friction, fire or other sources of ignition (risk phrase R2);

- a substance or preparation which creates extreme risk of explosion by shock, friction, fire or other sources of ignition (risk phrase R3); or

- a substance, preparation or article covered by Class 1 of the European Agreement concerning the International Carriage of Dangerous Goods by Road (UN/ADR), concluded on 30 September 1957, as amended and as transposed by Council Directive 94/55/EC of 21 November 1994 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road (3).

Included in this definition are pyrotechnics, which for the purposes of Chapter Seven, Section 1 of the Act are defined as substances (or mixtures of substances) designated to produce heat, light, sound, gas or smoke or through a combination of such effects through self-sustained exothermic chemical reactions. Where a substance or preparation is classified by both UN/ADR and risk phrases R2 or R3, the UN/ADR classification shall be used.

Substances and articles of Class 1 shall be classified in any of the divisions 1.1 to 1.6 in accordance with the UN/ADR classification scheme. The divisions concerned are:

Division 1.1. "Substances and articles which have a mass explosion hazard (a mass explosion is an explosion which affects almost the entire load virtually instantaneously)."

Division 1.2. "Substances and articles which have a projection hazard but not a mass explosion hazard."

Division 1.3. "Substances and articles which have a fire hazard and either a minor blast hazard or a minor projection hazard or, but not a mass explosion hazard:

- (a) combustion which gives rise to considerable radiant heat; or

- (b) which burn one after another, producing minor blast or projection effects or both."

Division 1.4. "Substances and articles which present only a slight risk in the event of ignition or initiation during carriage. The effects are largely confined to the package and no projection of fragments of appreciable size or range is to be expected. An external fire shall not cause virtually instantaneous explosion of the entire contents of the package."

Division 1.5. "Very insensitive substances having a mass explosion hazard which are so insensitive that there is very low probability of initiation or of transition from burning to detonation under normal conditions of carriage. As a minimum requirement they shall not explode in the external fire test."

Division 1.6. "Exceptionally insensitive articles which do not have a mass explosion hazard. The articles contain only extremely insensitive detonating substances and demonstrate a negligible probability of accidental ignition or propagation. The risk is limited to the explosion of a single article."

Included in this definition are also explosive or pyrotechnic substances or preparations contained in articles. In the case of articles containing explosive or pyrotechnic substances or preparations, if the quantity of the substance or preparation contained is known, that quantity shall be considered for the



purposes of Chapter 7, Section I of the Act. If the quantity is not known, then, for the purposes of Chapter 7, Section I of the Act, the whole article shall be treated as explosive.

3. "Flammable", "highly flammable" and "extremely flammable" in rows 6, 7 and 8 of Table 3 shall mean:

(a) "flammable liquids": substances and preparations having a flash point equal to or greater than 21°C and less than or equal to 55°C (risk phrase R10), supporting combustion;

(b) "highly flammable liquids":

- substances and preparations which may become hot and catch fire in contact with air at ambient temperature without any input of energy (risk phrase R17);

- substances and preparations which have a flash point lower than 55°C and which remain liquid under pressure, where particular processing conditions, such as high temperature or pressure, may create major-accident hazards;

- substances and preparations having a flash point than 21°C and which are not extremely flammable (risk phrase R11, second indent);

c) "extremely flammable gases and liquids":

- liquid substances and preparations which have a flash point lower than 0°C and with the boiling point (or, in the case of a boiling range, the initial boiling point) of which at normal pressure is less than or equal to 35°C (risk phrase R12, first indent); and

- gases which are flammable in contact with air at ambient temperature and normal pressure (risk phrase R12, second indent), whether or not kept in the gaseous or supercritical state; and

- flammable or highly flammable liquid substances and preparations maintained at a temperature above their boiling point.

4. In case where the establishment and/or installation produces, uses and/or stores more than one dangerous substance classified in one and the same or in similar hazard categories in quantities lower than the qualifying quantities under column 2 or column 3 of Table 1 and/or 3, in order to determine whether the establishment and/or installation is covered by Chapter 7, Section I of the Act and to determine the hazard potential thereof, the following rule shall be used:

The establishment shall be classified as a "lower-tier establishment" if the sum  $q_1/Q + q_2/Q + q_x/Q$  is equal to or greater than one,

where:

$Q_1, q_2, \dots, q_x$  is the quantity of dangerous substances in the same hazard category present;

$Q$  is the qualifying quantity of dangerous substances indicated in column 2 of Tables 1 and/or 3.

The establishment shall be classified as an "upper-tier establishment" if the sum  $q_1/Q + q_2/Q + q_x/Q$  is equal to or greater than one,

where:

$Q_1, q_2, \dots, q_x$  is the quantity of dangerous substances in the same hazard category present;

$Q$  is the qualifying quantity of dangerous substances indicated in column 3 of Tables 1 and/or 3.

This rule shall be used to assess the overall hazards associated with the toxicity, flammability, and eco-toxicity of the substances. It must therefore be applied three times:

(a) for the addition of substances and preparations named in Table 1 and classified as toxic or very toxic, together with substances and preparations classified as toxic or very toxic in accordance with rows 1 or 2 of Table 3;

(b) for the addition of substances and preparations named in Table 1 and classified as oxidising, explosive, flammable, highly flammable, or extremely flammable, together with substances and preparations classified as oxidising, explosive, flammable, highly flammable or extremely flammable in accordance with rows 3, 4, 5, 6, 7a, 7b or 8 of Table 3;

(c) for the addition of substances and preparations named in Table 1 and classified as dangerous for the environment (R50 (including R50/53) or R51/53), together with substances and preparations classified as dangerous for the environment in accordance with rows 9(a) or 9 (b) of Table 3.

The establishment and/or installation shall fall within the scope of Chapter 7, Section I of the Act if any of the sums obtained by Litterae (a), (b) or (c) is equal to or greater than 1.

**Annex 4**

to Article 117 (1)

(Amended, SG No. 77/2005,  
SG No. 52/2008,  
SG No. 32/2012, effective 7.01.2014)

## Categories of industrial activities

The threshold values given below generally refer to production capacities or outputs. Where several activities falling under the same activity description containing a threshold are operated in the same installation, the capacities of such activities are added together. For waste management activities, this calculation shall apply at the level of activities for Points 5.1, 5.3.1 and 5.3.2.

### 1. Energy industries

1.1. Combustion installations with a total rated thermal input of 50 MW or more.

1.2. Crude-oil and gas refineries.

1.3. Coke ovens.

1.4. Works for gasification or liquefaction of:

(a) coal;

(b) other fuels in installations with a total rated thermal input of 20 MW or more.

### 2. Production and processing of metals

2.1. Metal ore (including sulphide ore) roasting or sintering installations.

2.2. Installations for the production of pig iron or steel (primary or secondary fusion), including continuous casting, with a capacity exceeding 2.5 tonnes per hour.

2.3. Installations for the processing of ferrous metals:

(a) hot-rolling mills with a capacity exceeding 20 tonnes of crude steel per hour;

(b) smitheries with hammers the energy of which exceeds 50 kilojoule per hammer, where the calorific power used exceeds 20 MW;

(c) application of protective fused metal coats with an input exceeding 2 tonnes of crude steel per hour.

2.4. Ferrous metal foundries with a production capacity exceeding 20 tonnes per day.

2.5. Installations for:

(a) the production of crude metals other than those listed in Points 2.2, 2.3 and 2.4 from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes;

(b) the smelting, including the alloyage, of metals other than those listed in Points 2.2, 2.3 and 2.4 and operation of foundries, with a melting capacity exceeding 4 tonnes per day for lead and cadmium or 20 tonnes per day for all other metals.

2.6. Installations for surface treatment of metals and plastic materials using an electrolytic or chemical process, where the volume of the treatment vats exceeds 30 cubic metres.

3. Mineral industry

3.1. Installations for the production of cement, lime and magnesium oxide as follows:

(a) for cement clinker in rotary kilns with a production capacity exceeding 500 tonnes per day or in other kilns with a production capacity exceeding 50 tonnes per day;

(b) for lime in kilns with a production capacity exceeding 50 tonnes per day;

(c) for the production of magnesium oxide in kilns with a production capacity exceeding 50 tonnes per day.

3.2. Installations for the production of asbestos and the manufacture of asbestos-based products.

3.3. Installations for the manufacture of glass, including glass fibre, with a melting capacity exceeding 20 tonnes per day.

3.4. Installations for melting mineral substances, including the production of mineral fibres, with a melting capacity exceeding 20 tonnes per day.

3.5. Installations for the manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain with a production capacity exceeding 75 tonnes per day and/or with a kiln capacity exceeding 4 cubic metres and with a setting density per kiln exceeding 300 kilograms/cubic metre.

4. Chemical industry

Production within the meaning of the categories of activities contained in this point means the production on an industrial scale by chemical or biological processing of substances or groups of substances listed in Points 4.1 to 4.6.

4.1. Installations for the production of organic chemicals, such as:

(a) simple hydrocarbons (linear or cyclic, saturated or unsaturated, aliphatic or aromatic);

(b) oxygen-containing hydrocarbons such as: alcohols, aldehydes, ketones, carboxylic acids, esters and mixtures of esters, acetates, ethers, peroxides and epoxy resins;

(c) sulphurous hydrocarbons;

(d) nitrogenous hydrocarbons such as: amines, amides, nitrous compounds, nitro compounds or nitrate compounds, nitriles, cyanates, isocyanates;

(e) phosphorus-containing hydrocarbons;

(f) halogenic hydrocarbons;

(g) organometallic compounds;

(h) plastic materials (polymers, synthetic fibres and cellulose-based fibres);

(i) synthetic rubbers;

(j) dyes and pigments;

(k) surface-active agents and surfactants.

4.2. Installations for the production of inorganic chemicals, such as:

(a) gases: ammonia, chlorine, hydrogen chloride, fluorine, hydrogen fluoride, carbon oxides, sulphur compounds, including sulphur dioxide, nitrogen oxides, hydrogen, carbonyl chloride;

(b) acids: chromic acid, hydrofluoric acid, phosphoric acid, nitric acid, hydrochloric acid, sulphuric acid, oleum, sulphurous acids;

(c) bases: ammonium hydroxide, potassium hydroxide, sodium hydroxide;

(d) salts: ammonium chloride, potassium chlorate, potassium carbonate, sodium carbonate, perborates, silver nitrate;

(e) non-metals, metal oxides or other inorganic compounds such as: calcium carbide, silicon, silicon carbide.

4.3. Installations for the production of phosphorous-, nitrogen- or potassium-based fertilisers (simple or compound fertilisers).

4.4. Installations for the production of biocides or plant health products.

4.5. Installations for the production of pharmaceutical products, including intermediates.

4.6. Installations for the production of explosives.

5. Waste management

5.1. Installations for the disposal or recovery of hazardous waste within the meaning given by the Waste Management Act with a capacity exceeding 10 tonnes per day, involving one or more of the following activities:

(a) biological treatment;

(b) physico-chemical treatment;

- (c) blending or mixing prior to submission to any of the other activities listed in Points 5.1 and 5.2;
- (d) repackaging prior to submission to any of the other activities listed in Points 5.1 and 5.2;
- (e) reclamation/regeneration of solvents;
- (f) recycling/reclamation of inorganic materials other than metals or metal compounds;
- (g) regeneration of acids or bases;
- (h) recovery of components used for pollution abatement;
- (i) recovery of components from catalysts;
- (j) oil re-refining or other reuses of oils;
- (k) surface impoundment.

5.2. Disposal or recovery of waste in waste incineration plants or in waste co-incineration plants:

- (a) for non-hazardous waste with a capacity exceeding 3 tonnes per hour;
- b) for hazardous waste with a capacity exceeding 10 tonnes per day.

5.3.1. Installations for the disposal of non-hazardous waste with a capacity exceeding 50 tonnes per day involving one or more of the following activities, and excluding activities of urban waste-water treatment:

- (a) biological treatment;
- (b) physico-chemical treatment;
- (c) pre-treatment of waste for incineration or co-incineration;
- (d) treatment of slags and ashes;

(e) treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components.

When the only activity carried out is anaerobic digestion, the capacity threshold for this activity shall be 100 tonnes per day.

5.3.2. Installations for recovery, or a mix of recovery and disposal, of non-hazardous waste with a capacity exceeding 75 tonnes per day involving one or more of the following activities, and excluding activities of urban waste-water treatment:

- (a) biological treatment;
- (b) pre-treatment of waste for incineration or co-incineration;
- (c) treatment of slags and ashes;

(d) treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components.

When the only activity carried out is anaerobic digestion, the capacity threshold for this activity shall be 100 tonnes per day.

5.4. Landfills receiving more than 10 tonnes of waste per day or with a total capacity exceeding 25,000 tonnes, excluding landfills of inert waste.

5.5. Temporary storage of hazardous waste not covered under Point 5.4 pending any of the activities listed in Points 5.1, 5.2, 5.4 and 5.6 with a total capacity exceeding 50 tonnes, excluding temporary storage, pending collection, on the site where the waste is generated.

5.6. Underground storage of hazardous waste with a total capacity exceeding 50 tonnes.

6. Other activities

6.1. Industrial plants for the production of:

(a) pulp from timber or other fibrous materials;

(b) paper and card board with a production capacity exceeding 20 tonnes per day;

(c) wood-based panels such as: oriented strand board (OSB), particleboard or fibreboard with a production capacity exceeding 600 cubic metres per day.

6.2 Plants for the pre-treatment (operations such as washing, bleaching, mercerisation) or dyeing of textile fibres or textiles, where the treatment capacity exceeds 10 tonnes per day.

6.3. Plants for the tanning of hides and skins, where the treatment capacity exceeds 12 tonnes of finished products per day.

6.4.1. Slaughterhouses with a carcass production capacity greater than 50 tonnes per day.

6.4.2. Installations for treatment and processing, other than exclusively packaging, of the following raw materials, whether previously processed or unprocessed, intended for the production of food or feed from:

(a) only animal raw materials (other than exclusively milk) with a finished product production capacity greater than 75 tonnes per day;

(b) only vegetable raw materials with a finished product production capacity greater than 300 tonnes per day or 600 tonnes per day, where the installation operates for a period of no more than 90 consecutive days in any year;

(c) animal and vegetable raw materials, both in combined and separate products, with a finished product production capacity in tonnes per day greater than:

(aa) 75 if A is equal to 10 or more, or,

(bb)  $[300 - (22.5 \times A)]$  in any other case,

where "A" is the portion of animal material (in percent of weight) of the finished product production capacity.

Packaging shall not be included in the final weight of the product. This subpoint shall not apply where the raw material is milk only.

6.4.3. Installations for the treatment and processing of milk only, the quantity of milk received being

greater than 200 tonnes per day (average value on an annual basis).

6.5. Installations for the disposal or recycling of animal carcasses or animal waste with a capacity exceeding 10 tonnes per day.

6.6. Intensive rearing of poultry or pigs:

(a) with more than 40,000 places for poultry;

(b) with more than 2,000 places for production pigs (over 30 kg), or

(c) with more than 750 places for sows.

6.7. Installations for surface treatment of substances, objects or products using organic solvents, in particular for dressing, printing, coating, degreasing, waterproofing, sizing, painting, cleaning or impregnating, with an organic solvent consumption capacity of more than 150 kg per hour or more than 200 tonnes per year.

6.8. Production of carbon (hard-burnt coal) or electrographite by means of incineration or graphitization.

6.9. Installations for the capture of CO<sub>2</sub> streams for the purposes of geological storage, where these streams are released from installations within the scope of this Annex, waste incineration and/or co-incineration plants (irrespective of their capacity), installations using solvents, or installations for the production of titanium dioxide.

6.10. Preservation of wood and wood products with chemicals with a production capacity exceeding 75 cubic metres per day other than exclusively treating against sapstain.

6.11. Plants for the independently operated treatment of wastewater generated by installations within the scope of this Annex and other than treatment plants for the treatment of urban wastewater.

**Annex 5**

to Item 54a of § 1 of  
the Supplementary Provisions  
(New, SG No. 77/2005)

**Major Accident Criteria**

A major accident is any accident which:

1. Involves dangerous substances in quantities of at least 5 per cent of the qualifying quantities according to Annex 3 to the Environmental Protection Act, Table 1 or Table 3, Column 3, and causes a fire, explosion or accidental discharge of dangerous substances.

2. Gives rise to at least one of the following adverse consequences for human life and health and for the infrastructure in the area of the establishment and/or installation:

(a) the death of at least one person within or outside the establishment and/or installation;

(b) six persons injured within the establishment and/or installation (hospitalized for at least 24 hours);

(c) one person outside the establishment (hospitalized for at least 24 hours);

(d) residential buildings outside the establishment and/or installation damaged and unusable as a result of the accident;

(e) evacuation of the persons affected outside the accident zone for not less than two hours (the product of the number of evacuees and the number of hours must be at least 500);

(f) confinement of the persons affected in protective facilities within

the accident zone for not less than two hours (the product of the number of evacuees and the number of hours must be at least 500);

(g) interruption of drinking water, electricity, gas or telephone services for more than two hours (the product of the number of persons and the number of hours must be at least 1,000).

3. Causes damage or pollution in excess of the emission limit values of:

- (a) 10 kilometres or more of river or canal water;
- (b) 1 hectare of a man-made lake or pond water;
- (c) 2 hectares of delta water;
- (d) 2 hectares of a coastline or open sea water;
- (e) 1 hectare of an aquifer or groundwater;
- (f) 0.5 hectares or more of a protected area;
- (g) 10 hectares or more of other terrestrial habitats, including agricultural land.\*

4. Causes one of the following damages to property:

- (a) damage to property in the establishment: at least BGN 4 million;
- (b) damage to property outside the establishment: at least BGN 1 million.

5. Accidents with transboundary effects.

\* In assessing environmental damage to water habitats, reference shall be made to the provisions of Ordinance No. 6 of 2000 on Emission Standards for Permissible Content of Noxious and Dangerous Substances in Waste Waters Discharged into Water Bodies (promulgated in the State Gazette No. 97 of 2000, amended in No. 24 of 2004), Ordinance No. 7 of 2000 on the Terms and Procedure for Discharge of Industrial Waste Waters into Settlement Sewer Systems (State Gazette No. 98 of 2000), Ordinance No. 11 of 2002 on the Quality of Bathing Water (State Gazette No. 25 of 2000), Ordinance No. 4 of 2000 on the Quality of Waters Supporting Fish Life and of Shellfish Waters (State Gazette No. 88 of 2000), and Ordinance No. 12 of 2002 on the Quality Required of Surface Water Intended for Drinking and Household Water Supply (State Gazette No. 63 of 2002).

## **Annex 6**

to Article 131a (4)

(New, SG No. 46/2010,  
effective 18.06.2010,  
amended, SG No. 42/2011,  
repealed, SG No. 22/2014,  
effective 11.03.2014)

### **Annex 7**

to

Article 131i (5)

(New, SG No. 46/2010,  
effective 18.06.2010,  
repealed, SG No. 22/2014,  
effective 11.03.2014)

### **Annex 8**

to Item 1 of Article 123 (1)

(New, SG No. 32/2012,  
effective 7.01.2014)

List of basic groups of polluting substances which must be taken into consideration when setting permissible emission values and/or individual emission restrictions

I. Emissions to ambient air:

1. Sulphur dioxide and other sulphur compounds.



2. Oxides of nitrogen and other nitrogen compounds.

3. Carbon monoxide.

4. Volatile organic compounds.

5. Metals and their compounds.

6. Dust including fine particulate matter.

7. Asbestos (suspended particulates, fibres).

8. Chlorine and its compounds.

9. Fluorine and its compounds.

10. Arsenic and its compounds.

11. Cyanides.

12. Substances and mixtures which have been proved to possess carcinogenic or mutagenic properties or properties which may affect reproduction via the air.

13. Polychlorinated dibenzodioxins and polychlorinated dibenzofurans.

II. Emissions to water:

1. Organohalogen compounds and substances which may form such compounds in the aquatic environment.

2. Organophosphorus compounds.

3. Organotin compounds.

4. Substances and mixtures which have been proved to possess carcinogenic or mutagenic properties or properties which may affect reproduction in or via the aquatic environment.

5. Persistent hydrocarbons and persistent and bioaccumulable organic toxic substances.

6. Cyanides.

7. Metals and their compounds.

8. Arsenic and its compounds.

9. Biocides and plant protection products.

10. Materials in suspension.

11. Substances which contribute to eutrophication (in particular, nitrates and phosphates).

12. Substances which have an unfavourable influence on the oxygen balance (and can be measured using parameters such as biological oxygen demand (BOD), chemical oxygen demand (COD), etc.).

13. Other substances or groups of substances subject to emission restrictions in the permits referred

to in Item 2 of Article 118 (4).